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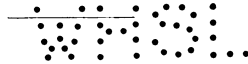


STENOGRAPHIC REPORT OF  
PROCEEDINGS HAD AT THE SECOND  
REUNION OF THE WERTZ FAMILY,  
HELD AT HARRISBURG, PA.,  
OCTOBER 25, 26, 27, 1912.

By WILLIAM J. SNYDER,  
Court Stenographer,  
1305 Ashland Block, CHICAGO, ILL.

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The Wertz Family Association was organized at Rock Island, Illinois, Oct. 6-7-8, 1911. The organization was formed in accordance with the following articles:

#### ARTICLE I.

That the name of this Association be the "Wertz Family Association."

#### ARTICLE II.

##### MEMBERSHIP.

Any person who bears the name of "Wertz," or related thereto, shall be eligible to membership in this Association.

#### ARTICLE III.

This Association shall consist of the following officers: President; first, second and third vice president; secretary-treasurer; corresponding secretary; assistant corresponding secretary; also an advisory board consisting of five members, to be selected by vote of the association.

#### ARTICLE IV.

The meetings of this Association to be held annually, at such time and place as the Association may decide.

#### ARTICLE V.

##### MEMBERSHIP FEE.

The membership fee of the Association shall be one dollar, payable at enrollment.

#### ARTICLE VI.

Special meeting may be called by the president, stating the object of the meeting.

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WERTZ FAMILY ASSOCIATION.

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Pres. Wertz Auto Co., Lincoln, Neb.

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**MRS. ESTELLE RYAN SNYDER, CHICAGO, ILL., PRESIDENT  
WERTZ FAMILY ASSOCIATION.**

## SECOND ANNUAL RE-UNION PROCEEDINGS

The Second Annual Reunion of the Wertz Family Association was held at Harrisburg, Pa., on the 25th, 26th and 27th days of October, A. D. 1912.

The first meeting took place in the rooms of the Board of Trade building, and was called to order by the President, Mrs. Estelle Ryan Snyder, at two o'clock p. m., October 25, 1912.

**THE PRESIDENT:** Ladies and gentlemen, I take much pleasure in introducing to you the Honorable John K. Royal, Mayor of the City of Harrisburg, who will welcome you to the City of Harrisburg.

**MAYOR ROYAL:** I trust you will pardon me on account of the fact that I am suffering with a severe cold. I knew nothing at all of your meeting until this morning when the Secretary of the Board of Trade asked me if I would not come before you and give you some few words of greeting. It gives me a great deal of pleasure to extend the right hand of fellowship to the stranger within our gates. It is one of those duties which are imposed upon the chief executive of this city, and one which I have had the pleasure to do a number of times during my one year now in the office. But I do not know that I have ever had to meet a family re-union like this, as I am told that it is. I am not thoroughly familiar with the objects of your association, and, therefore, I cannot speak along those lines; but I do say to you that we have here a city which we are all proud of and one that we are always glad to have the stranger come and see. We think we have a modern, up-to-date city, and the scenery surrounding us we think is beautiful and will compare with anything in the United States. We have clean streets, filtered water; the streets are well lit day and night; and, above all, we have moderate taxes.

In conclusion I want to say to you that I trust you will make yourselves perfectly at home while in our midst; you may do just as you please. And when I look at the faces here I know that I will have none of you before me in an official way. (Laughter.) If you see anything you like in the city take it home with you, it is yours. (Laughter and applause.) I trust that your stay may be a pleasure as well as a profit to yourselves, and I take great pleasure in assuring you that the citizens of Harrisburg are glad of the opportunity to greet you and wish you a pleasant visit. I thank you. (Applause.)

The President at this point after thanking Mayor Royal for his kind words addressed the assembly as follows, to-wit:

It affords me great pleasure to stand before this assemblage this afternoon and call to order the second annual re-union of the Wertz Family. In the name of my illustrious third great grand-sire, Jacob Wuertz, one of the pioneer settlers of Pennsylvania, I bid you welcome to the State of his adoption. Jacob Wuertz was a German by birth, being born somewhere in the Palatinate early in the seventeenth century. At the age of 26 years he left the country of his nativity and emigrated to America. Contrary to our traditionary belief, Jacob Wuertz came to this country alone, as he was not married at the time. In all probability he left his sweetheart in Germany, setting forth to the new country fired

with ambition and determination to found a home in the land of the free to which he could afterwards bring the girl of his choice. He joined a band of pilgrims who left the Palatinate in 1731, passing through Holland, where the Synod was in session at that time. This band of people consisted of nearly 800 Palatines who had been persecuted at the hands of the German government on account of their religious views. In those days Catholicism was rampant, and whatever religion the crown recognized as the true religion the people were obliged to follow. It was at this time that Lutheranism began to take such a hold in the southern part of Germany; the following of Luther grew so enormous that the Government became alarmed at so many people deserting Catholicism and embracing the new religion; a general religious persecution ensued. Now the Palatinate, which is situated in the southern part of Germany, was a Lutheran stronghold, and when these people found that they could not worship in accordance with their own ideas and beliefs they began to leave that part of the country by the hundreds. During this period eight thousand Germans emigrated from Germany to England alone, many of them staying in England but a short time, going on as soon as opportunity arose to America. The group of which Jacob Wuertz was a part went direct to Holland. The Synod was in session at Dort when the pilgrims arrived. The entire Synod in a body visited the wayfarers, prayed with them, sang hymns and gave them food and medicine, as well as a great deal of good advice in starting them on their journey. Now all of this band of 800 Germans did not go to America; many of them remained in Holland. But we know positively that a large body of them boarded the ship "Britannia" of London, with Michael Franklyn as Master of the Ship, sailing from Rotterdam for America, arriving at Philadelphia, the port of entry, September 21st, 1731, where they took the oath of allegiance to the Constitution of the United States.

Jacob Wuertz was one of the passengers on this ship "Britannia of London," as shown by the ship's original log which is now in the custody of the State of Pennsylvania and which can be seen at any time at the capitol building in this city. The ship's log gives Jacob Wuertz' age as 26 years. He is the only Wuertz in the entire company. And not only is he the only Wuertz in this entire company, but he is the first Wuertz to land on American soil.

From 1731 to 1733 we have no actual proof of where he lived. We know, however, that he became a pioneer in the great commonwealth of Pennsylvania when it was in its infancy. He was keen enough to recognize the possibilities of this great State, and on March 3rd, 1734, we find him occupying a pre-empted claim of 118 acres in Coventry township, in the county of Chester, known at Pleasant Dale. In the meantime Anna Barbara Hoff, aged 33 years, in company with her twin brother Christ Hoff, of the same age, arrived in America on the ship "Samuel," with Hugh Percy as captain, on August 17th, 1733. Our natural deduction is that Jacob Wuertz had succeeded in making a home for the sweet-heart across the seas and had sent for her to come to the land of his adoption. On December 29th, 1734, Jacob Wuertz and Anna Barbara Hoff, of Coventry, were married by the Rev. Johann Caspar Stoeber, one of the prominent early missionaries. The record of this marriage you will also find in the capitol building of this city. Among these Harrisburg records are to be found the baptismal records of the first three children born to this marriage. John Cunradt, the eldest son of Jacob Wuertz, (who was my own second great grand-father), was born October 15th, 1735, baptized October 25th, 1735. Maria Katherina, born August 8th, 1738, baptized January 10th, 1739. Anna Margaretha, born June 14th, 1740, baptized September 22nd, 1740.

Jacob Wuertz and his family remained in Coventry for a period of ten or twelve years. Family tradition says that they lived for a time in York county, but the only proof we have of this assertion is that the youngest son, Johann George, was born in York county, January 31st, 1745, as shown by his birth certificate. There was still another son,

erroneously spoken of in family tradition as Jacob, whose name was John. Where John was born we do not positively know as I have not yet found his birth certificate. But he was probably born either in Coventry with Cunradt and the two girls, or in York county where George was born.

Our next legal proof of the family is the pre-emption of four tracts of land, adjoining one another, situated in Cumberland county. Part of the property is described in the pre-emption as 100 acres of land adjoining the widow Snowberger, Lodowick Stull and Frederick Foreman, on a branch of Little Antetum in Antrim township in the said county of Cumberland. As Franklin county was taken out of Cumberland, this tract of land is now in Quincy township, Franklin county, near the little town of Quincy. On this tract of land Wuertz settled with his family of five children and erected a modest little home, a part of which still stands after a lapse of over 150 years and which is still in the possession of a lineal descendant of Jacob Wuertz through his youngest son, George Wuertz.

I had expected to have the pleasure of introducing to you Mr. Hiram E. Wertz, the distinguished great grand-son of Jacob Wertz, the founder of the Wertz family in Franklin county, to bid you welcome. As Mr. Wertz is in his 83rd year he felt that it would be too great a task for him to undertake and he has asked me to welcome you in his stead. But he is with us today. I know what a pleasure it must be to you all to have this opportunity of visiting this State, which was really the crucible through which American civilization had to pass in order that our own United States should emerge from a wild country peopled by barbarians to one of the foremost nations of the world. It is to these men, these pioneer settlers of Pennsylvania, so long gone to their eternal rest, that the credit should be given for the great strides of progress evolved from so chaotic a wilderness. It was their indomitable courage, sturdiness of character and religious faith, that enabled these men and women to successfully battle with the terrible privations of life in a wilderness. You will soon traverse the magnificent Cumberland Valley which lies between Harrisburg and Quincy on your way to the old Wuertz homestead. As you gaze from the car window and view the marvelous agricultural expanse try and picture, in imagination, what this peaceful land of plenty was 150 or more years ago, before the advent of the railroad train, automobile or airship, and when the only means of travel was the emigrant wagon over the unbroken trail of a trackless waste; a wilderness where danger and privation stalked hand in hand. It was by means of the endless toil of these courageous men and women that this great commonwealth stands foremost among the many glorious States of our Union. And by our coming together here today from every State in this vast expanse of country we pay tribute to the memory of those glorious men and women who propagated a line of creditable descendants extending from the Atlantic to the Pacific and from the Gulf of Mexico to Alaska.

Jacob Wuertz was the pioneer Wuertz, as I have said before, to settle in America, and his advent into this country in 1731 was closely followed by many other Wertzes whose names appear in "Rupp's 30,000 Names," a book cataloguing the names of all the early emigrants to this country. We know that a woman named Anna Margaretha came to America shortly after and settled near Jacob Wuertz, and as he named one of his daughters Anna Margaretha we naturally deduce the possibility that this woman was Jacob Wuertz's sister.

It is my own personal belief that Jacob Wuertz came to this country to ascertain its possibilities, and upon finding things to his satisfaction, in all probability he wrote the good news back to his own people and, without doubt, other members of his family followed the footsteps of the brother to the land of promise and golden opportunity.

We have in this association many descendants of a man named Daniel Wertz, who lived during the same generation in this same State with



**WILLARD W. WERTZ, LINCOLN, NEB., FIRST VICE PRESIDENT  
WERTZ FAMILY ASSOCIATION.**

Jacob Wertz, but of whom we know little other than that it is said he came from England. In my investigations into Wertz genealogy I have found that it is absolutely imperative to disregard family tradition, as every branch of the family has its own particular tradition which, in almost every case, absolutely contradicts each other particular tradition. To get at the kernel of the nut one must rely on nothing but cold facts and proofs, or be led so far astray that much valuable time is lost and useless effort made without any result whatever.

It is my own candid opinion that Jacob Wuertz and Daniel Wertz were brothers, or at least cousins, and I sincerely believe that most of the Wertzes coming to America within a period of five or ten years after the arrival of Jacob Wuertz were closely related to one another.

Daniel Wertz was a well-known resident of Perry county near Landisburg. Another distinguished line of Wertzes trace descent from a George Henry Wertz, who came first to Pennsylvania and then passed on to the Carolinas.

I have spent nearly two years trying to unravel the tangled skein of the American Wertz families, and have succeeded in separating the hundreds of American Wertzes into five or six distinct groups. As I said before, whether these groups bear any relationship to one another, or, rather, I should say, whether the progenitors of these groups bear any relationship to one another I cannot say. But we all know it to be a fact that if one member goes into a community and prospers he is very apt to send the glad tidings home and induce others of his family to embrace his own opportunity. Thus it would seem to me that these pioneer Wertzes were more or less related. This, of course, is only conjecture on my part. There still remain many clues to go on with, but it means much indefatigable labor and effort to completely solve this tantalizing puzzle. Regardless of our lack of knowledge as to whether these various branches of Wertzes are really related, we meet together today in this reunion for the purpose of renewing ties of kinship and friendship and visiting the home and birthplace of our ancestors, men and women of whose achievements we are all so justly proud, and in the name of these brave men and women of the past I take pleasure today in bidding you a most hearty welcome, and trust that every moment of the time spent within the confines of this great commonwealth may be filled both with pleasure and profit to you all, and that when we depart to our homes in the far distant States we shall carry in our hearts a greater respect and veneration for the generations of our people, who in the infancy of these United States, made it possible for us to abide and dwell in safety and prosperity in our respective homes. (Applause.)

**THE PRESIDENT:** Before we take up the regular order of business I wish to ascertain how many present desire to go to Quincy, Pa., tomorrow. It is a two hours' ride, and we want to know positively how many people wish to go. In order to get a reduction in the fare we require at least 100 people to make the trip. The regular return fare is \$2.55. If we have a party of 100 the round trip fare will be reduced to \$1.85. If we have 200 people we may have a special train. Now those who would like to go and whom we can really depend and rely upon will kindly signify their desire and intention to go so that we can send word to the railroad company. If we are to have a special train I will have to notify Mr. Riddle, the Traffic Manager of the Cumberland Valley railroad, who is awaiting our pleasure in the matter. I might say that the regular trains running out of Harrisburg upon which we can make this trip leave, at least there is a train which leaves here I believe, at 11:45 and returns, leaving Quincy about 3:45; or if it is desired, we can return on a train leaving Quincy about six o'clock in the evening. If it is a stormy day we would not want to stay very long, and the return at 3:45 would probably be best. The Wuertz homestead is right near the Quincy railway station. It will only take a few minutes to go there from the station so that we would have at least three quarters of an hour or more to spend if we should

decide to come back on the 3:45 train; but if it is a pleasant day and if it is deemed advisable to stay there until the six o'clock train, I am told that there are many things of interest that we would enjoy seeing. We could ramble over the old grounds and, I take it, a great many of you want to go and see the home.

Therefore I would like to know, by rising vote, just how many of you would like to take the trip to Quincy tomorrow, leaving Harrisburg in the forenoon and returning the same afternoon.

You may be seated. We certainly will not have enough for a special train, and I am afraid that the number going will not be sufficient to get the reduced rate, therefore those that do go will be obliged to pay the full fare. I don't think there were over 35 or 40 that stood up.

However, we will pass this matter for the time being, and those who really want to go can assemble this evening after the meeting is over and we can then make definite arrangements for the trip.

Now, before we go on with the President's report, I desire to say that we have here Mr. Snyder, our Secretary-Treasurer, who will take the minutes of the convention in shorthand if it is the order of the day and the desire of the convention that he do so. It is optional with you as to whether the minutes are printed or whether anything is done with them in the way of a transcript being made of the shorthand notes. Of course it is quite a precaution to have them taken in shorthand, and I would ask the officers what their pleasure is, as it is within the power of the officers to make a decision as to whether they care to have the report in shorthand. There will be no charge for taking the shorthand notes. If the notes are written up and printed in book form, together with other data and information that will be contained in the book, the price charged for the book will be \$1.00, the same price as was charged last year. And by the way, while speaking about the booklet that was gotten out last year, Mr. Snyder had an expense of something like \$120 in getting out that book. For some time it looked as if he would suffer a financial loss on the venture. However, scattered orders kept coming in until finally when the last order was filled there was a balance of \$27 to Mr. Snyder's credit over and above the printing expense. This hardly compensated Mr. Snyder for the time spent in taking the shorthand notes during a three days' reunion and the expense he was put to in type-writing his shorthand notes with a skillful typewriter operator at a cost of 10 cents per page. Judging by the many complimentary things that were said about the booklet last year by the people who ordered and read the book it was a means of much pleasure and profit to those who had it, and, of course, both Mr. Snyder and I esteem that as more than repaying us for the time and labor we spent on the book, the result being that Mr. Snyder is willing to again be of service to you in this regard, and if you desire him to take the shorthand notes he is perfectly willing to do so.

MR. WILLARD W. WERTZ, of Lincoln Neb.: Madam President and brother officers and members; I move that Mr. Snyder be authorized by the officers and members of this reunion to take down the shorthand notes of the proceedings which he has so kindly volunteered to do free of charge.

The motion was duly seconded by Hiram Wertz of Quincy, Pa., and upon the motion being put to the assembly by the chairman it was unanimously carried.

THE PRESIDENT: Mr. Snyder will take the proceedings in shorthand, free of charge to the association, the matter of writing up same to be decided at some future time.

THE PRESIDENT (continuing): I think that every member of the Wertz family association has carefully read the printed report of my trip to Germany which was set forth in the circular sent out some two weeks ago. I have brought with me a great many of these circulars for distribution among people who have not read the same, as all those who are



familiar with the report are thoroughly acquainted with the result of my investigations in Germany, and it will save me a long repetition of facts that you already know.

The Wertz Family Association was organized October 7th, 1911, at Rock Island, Ill., at the first annual reunion of the Wertz family. As I think all of you are familiar with the purpose of this reunion it will not be necessary for me to go into lengthy details setting forth the reason for our organizing ourselves into an association. We are today celebrating the first birthday of our association. It is my opinion that we have done great work. At this particular moment the matter in which we are all so vitally interested is progressing slowly, but as well as can be expected under the circumstances. Our association now consists of 910 members. Our largest membership is in the State of Pennsylvania and extends to every state in the union; crosses the Rio Grande into Mexico, and, regardless of the failure of reciprocity, extends to Canadian shores, even to the far Northwest, sunny Alberta, Saskatchewan, and British Columbia. To those of you who are not members of our association and who are at this time just becoming interested in what we are doing I would say that to become a member of the Wertz family association it is only necessary that the name be "Wertz" or related thereto or descended therefrom. To become a member the applicant is obliged to pay a membership fee of one dollar. Last January the organization assessed all of its members one dollar each to raise sufficient money to forward 1,000 marks (or, in our money, \$240) to Germany to join the German Wertz alliance and share the expense of instituting and conducting legal proceedings on behalf of the Wertz heirs in the courts of Hamburg. As our members are always very eager to be kept in touch with all of the news that comes from time to time from Germany it necessitates the printing and mailing of circulars to our many hundreds of members, which expense is a heavy drain on the limited resources of the association. As set forth in my circular, we had reason to believe that the German company was not treating us quite fairly and as they had led us to believe that the trial would come up in the near future the officers decided that it was absolutely imperative to again assess the members to raise sufficient money to send the president and secretary-treasurer of the association to Germany to attend the trial, therefore an assessment of one dollar each was assessed against all the members in April last, which makes a total of \$3 per capita. Now if all of our members would have paid their assessments we would still have considerable money in the treasury, but a great many of them are negligent, not necessarily meaning to be so, but careless of a matter which ought to be of vital interest to themselves. To the new members making application for membership I have obliged them to also pay both assessments, as many of the "doubting Thomases" who ridiculed our association in the beginning have since fallen into line and requested membership, and I have considered that what was fair for one, in paying both membership and assessment fees, should be made to apply to all. When we levied the assessment in April, I specifically stated in my circular that any member who was financial unable to pay this assessment should have the privilege of not doing so, as we did not want any one to experience any hardship in this matter. I am pleased to tell you that there were remarkably few members, considering the large roll-call, who expressed themselves either unable or unwilling to pay the assessment. The really careless and negligent ones are members who have not paid either assessment, but who have held their membership in this association and received its benefits of monthly communications, etc., the same as those who have paid the full amount, not realizing that the one dollar they had paid in has been more than returned to them in printing and postage, not to say anything about the arduous labor of the president in answering many of their unnecessary letters and queries, addressing and stamping hundreds of envelopes which the members themselves could have done thus saving the president many a weary hour of labor and the treasury many a dollar spent for postage.

Your president has been very conscientious during her entire administra-



**C. H. WORTZ, FT. SMITH, ARK., THIRD VICE PRESIDENT OF THE  
WERTZ FAMILY ASSOCIATION.**

tion and has answered to the best of her ability every inquiry that has come to her, and has done everything within her power to advance the interests of the association and its members. I wish that you men and women could step into my office some morning at about the hour of half past eight and see the great mass of mail I have to go through and could witness for yourselves how many hours of hard labor I put in for the Wertz family, and I am sure you would be surprised that any woman would undertake such a task and continue it in spite of the dozens of obstacles that come up from time to time going on continuously, from day to day and month to month, and covering a period of nearly two years, devoting her entire time eight hours a day to a matter for which she receives no remuneration, but for which she must bear the entire burden and responsibility.

As the circular states I did not go to Europe to attend the trial, but to personally investigate the condition of affairs in the German company. You all know the result of that investigation. I found that they had been giving us as little information as they possibly could, that they had purposely withheld German genealogy which they actually had and which could have been sent to us immediately upon our joining them, and a generally unsatisfactory condition of affairs that convinced me beyond a doubt that it was lucky for us that I arrived on the scene of action when I did, as I am thoroughly convinced that any solving of this Wertz matter must come from this side as my hope of their ultimate success is nil.

I found the Germans to be very reticent regarding their entire case, and it was with the greatest difficulty that I got any information whatever, and if I had not been a woman of very strong mental caliber I would have shaken in my shoes at the obstacles that they had placed in my way to prevent me from establishing the missing link between the American descendants and the Field-Marshal Paul Wurtz. I found the German president, as I have heretofore explained, a very pleasant, agreeable man; but unfortunately, he is a man incapable of properly directing the affairs of his organization as he is easily influenced by the treasurer, Mr. Wurm, to whom I took a decided antipathy. I am sure that if Wurtz had been left to himself I could have had every particle of information that they possessed, but Wurm was determined I should not possess any information and what I got was given confidentially.

I have a copy of the German genealogy but it is written in three languages, German, Latin and French. It is my desire to have the original blue-print put in the hands of an expert interpreter of these three languages and reproduced in English, having copies made so that all of our members may each have a copy. Of course this will require some outlay of money, as translators of two or three languages charge considerable for their services and the printing of the blue-print will cost something. That is a matter which of course I shall place before the association and you will act upon it as you see fit.

The way matters stand in Germany at the present time, the Poors' Privilege which was asked for by Miss Wirges, of Weisbaden, was refused by the Landgericht of Hamburg. Now, the newspapers have taken up this particular feature of the case and have had considerable to say about it, and to read their publications one would imagine that the Wurtz case had received a death-blow. The newspapers have been a source of great annoyance to me in my work because, either wilfully or through some mistaken zeal, they misrepresent the actual facts, and as this matter is attracting the attention of the entire world, and every little newspaper item is recopied in other newspapers, together with a little of their own elaboration, the result is that the general public has an entirely erroneous idea of the matter. Now, I wish to explain this Poors' Privilege to those who are not familiar with what it is. We have in our country, in almost every state in the union, a law which permits people who are paupers the privilege of carrying on a suit, the cost of which is borne by the county or state. Now, to obtain this opportunity of carrying



**WILLIAM J. SNYDER, CHICAGO, ILL.,  
SECY-TREAS. WERTZ FAMILY  
ASSOCIATION.**

on a suit without cost the party has to prove absolutely that he or she is a pauper without any means of support before such a privilege can be obtained. That is what the Poors' Privilege in law-suits means in Germany. Miss Wirges, of Weisbaden, is a lineal descendant of Field-Marshal Paul Wirtz and has unquestionable legal proof of her descent. She is occupying the position of housekeeper in the employ of a retired colonel living in Weisbaden. Now, then in order to save money and so that they wouldn't have any extra expense, the German company conceived the idea of trying to wrest from the governments of Germany and Holland an estate valued at many millions of dollars without a penny of expense to themselves. You can readily see what a ridiculous plan this was. We, as Americans, would be too proud to go before a court and try to institute proceedings to recover a vast estate without making an effort to carry on the expense necessary for such a purpose. In other words, anything that is worth having is surely worth fighting for, and by fighting in this instance I mean taking sufficient interest in the matter, and having sufficient confidence, to risk the necessary money to place the case before the proper tribunal with dignity. A pauper's suit does not appeal to me. I would far rather deny myself some particular thing, if it were necessary, and put aside a certain sum to be used towards such a purpose. The court could have no respect for an enterprise carried on in such a manner, for they would surely say to themselves, "If those people have any confidence in their case why don't they risk their money and see it through to the bitter end? They have no hope of success or they would not be hiding behind the skirts of Miss Wirges' Poors' Privilege."

As I have told you before, Paul Wirtz is a man of limited education and unfamiliar with the processes of law, consequently his letters to us have been very misleading, and we were really groping in the dark, leaving everything to their honesty and honor. Of course we were not in a position to dictate terms; for you must bear in mind that they are the people with the proof of the existence of the fortune. We had nothing over here at all save knowledge that we were of Wirtz descent, with no proof whatever of being connected with the right line. Consequently we had to take whatever they saw fit to give us and let them proceed in the matter in their own way. In my conversation with Dr. Von Velsen, the attorney in the case, I spoke most emphatically of my disapproval of carrying on such an important case under the Poors' Privilege. I told him that I thought we had lost caste, that the matter was entirely undignified, and that I thought nothing could possibly be gained by such a proceeding. He turned on me a little heatedly and said, "It is the only chance they have. They have no money over here; they couldn't begin to raise enough money to carry this suit on and their only hope is the Poors' Privilege, unless you people in America want to pay the bill."

I told him that my people in America would undoubtedly be willing to pay bills if matters were carried on in their name and the way in which they wanted them carried on; but that our people had put as much money in this affair, under the present management and their plan of campaign, as I would permit them to put in. I then asked, him as you know, what they would do if they failed to procure this Poors' Privilege, because you will remember in the circular I have explained to you that the matter is still hanging fire. Dr. Von Velsen has asked the court to reconsider its refusal, and he filed a lengthy brief outlining the entire case and their proof. I am positive that Dr. Von Velsen does not expect to get this Poors' Privilege, and I am confident that they will never succeed in obtaining it. If you had a big field of grain ready for harvesting and one of your neighbors was disputing with you the ownership of it and he should come to you and ask you for the money to file a suit against you for this same property, I don't think you would feel very much like helping him to destroy you. And while the simile is rather far-fetched, still it is on a par with the German company's impudent re-

quest of Hamburg to allow them (the German company) to fight Hamburg and to make Hamburg pay the bill.

I have gone into detail regarding this privilege so that you will understand that the refusal of the court in Hamburg to grant this privilege has nothing whatever to do with the legal status of this case. The case is exactly in the same condition it was before they made the request, neither better nor worse. The actual result is this, that a case will have to be filed in the regular way and the costs paid by the people who file it. Dr. VonVelsen tells me that he has advised the German company to disband its organization, as many of their members are people of very limited means, who have been able to put in several dollars, but who could not put in (possibly) ten or twenty-five dollars. Consequently they will probably disband when they receive the final refusal of the privilege and let out all the poor people from any further expense and organize a new company with the understanding that each member is to pay into the treasury a specific amount for the purpose of carrying on this case. It is my opinion that they will never be able to raise enough money to carry the case through the court, and I believe that the only chance we have over here of ever knowing whether we are actually descendants of Paul Wirtz and entitled to a share of this inheritance is to go on with our search independently. I think that the best thing to do is for us to sit back, take it easy, and let them run their heads against the stone wall in front of them. That is the actual situation as I see it. They are very independent and arrogant and will take no advice from anyone. We have paid them the sum of 1000 marks. We will keep our hands off and let them proceed in their own way until they get to the end of their rope, when, in my opinion, they will be very glad to let this American company come in and take control. To show you how hard they are to handle I am going to read you several letters that have passed between Paul Wirtz and myself since I left Germany. As you know I spent four weeks in Germany searching the records. You know the result of that search. I told Mr. Wirtz that I was going to Amsterdam as my people would be very anxious to know how the American Consul viewed matters in that city. They were rather perturbed about my going to Amsterdam, and when I suggested that I call on Mr. Serbruck, a descendant who lives there, and who had furnished Paul Wirtz, the German president, with some important documentary records, Wirtz told me that Serbruck was out of town on his vacation and that it would do no good for me to go and see him. Three days later, as I was leaving for Amsterdam, he gave me a letter of introduction to Mr. Serbruck and told me that as long as I was going to Amsterdam I might as well see Serbruck. He had evidently forgotten that he said Serbruck was out of town. I then told him (Wirtz) what I intended to do, and that was to visit our American Consul in Amsterdam and to try and interest him in the case, as the American Consul at Amsterdam had been sending out printed pamphlets about the Wertz case, stating the matter from Holland's view-point, the gist of the pamphlet being that the Wertz inheritance had been settled many years ago, and that it never amounted to anything in the beginning. As I had seen an inventory of this estate, and as we have documentary proof of huge sums of money being spent in bribery to corrupt officials who had charge of the estate, I thought that I had sufficient proof to show Mr. Mahin, the American Consul at Amsterdam, that the entire case would bear investigation. You all know that I went to Amsterdam and that I had a very satisfactory interview with Mr. Mahin, who treated me very kindly and who listened with interest and respect to what I had to say. I asked Mr. Mahin's permission to send him copies of the documentary evidence that I had received from Paul Wirtz, the German president, and he promised me that when I sent him the papers in question he would read them over carefully.

Now, I have wandered away from the subject, so I will turn to the letters in question. This letter was written by me, dated Paris, Sept. 8th, and addressed to Paul Wirtz, the German president at Coln:

"Dear Mr. Wirtz:

We received the package containing Mr. Snyder's suit yesterday and thank you for sending it. Also wish to thank you for the photographs of yourself and family; they are very good, indeed. I intended writing to you before to tell you what I did at Amsterdam, but kept waiting for Mr. Snyder's suit, so I could acknowledge receipt at the same time.

I called on Mr. Serbrock at Amsterdam and found him and his father at church. I left your card of introduction, with a card of my own, and left word for him to call at my hotel. Then Mr. Snyder and I took a carriage and drove to the residence of the American Consulate.

So many Wertzes have been writing the Consul at Amsterdam asking about the Wertz inheritance that they had a little pamphlet printed saying the Wertz inheritance had been settled years ago.

I presented my credentials to Mr. Mahin, the Consul. He seemed pleased to see me. I told him that I desired him to understand the case more thoroughly. Mr. Mahin then explained that the American Consulate had asked for a statement regarding the Wertz inheritance, and the statement that was sent to them they had printed in the little pamphlet.

I told Mr. Mahin that the statement in the pamphlet was not entirely true. I told him as much of the case as I possibly could, stating that there had been much bribery and corruption officially in the whole matter and assured him if he would go to the archives at Amsterdam with Mr. Serbrock he would be surprised at the records he would find there.

I finally got him interested. He is a very fine man. I told him that the reason I was so very anxious that he should have a full knowledge of the case was because at some future time we might ask the United States to take a hand in this case.

I told Mr. Mahin about the document that Mr. Serbrock showed you and which I had Fraulein Rolfs translate, and as she charged me so much for it I refused to pay it and she kept the translation. Mr. Mahin would like to see that paper. That paper is really the key to the situation. I wish you would go and see Fraulein Rolfs, and if she will let me have the paper for about half of what she originally attempted to charge me, say twelve marks, I will pay it, as I want Mr. Mahin to see that paper as soon as possible. Mr. Mahin would be a very valuable aid to us if we can only get him interested in the case. To interest him we must show him the papers which prove the corruption in the past in connection with this inheritance.

I told Mr. Mahin that when I got back to America I would have Dr. Von Velsen's brief translated into English and send him a typewritten copy of it, together with Field Marshal Paul Wirtz' will, inventory of estate, arrest of judgment, etc., and the many other valuable proofs we have. He said he would be very glad to see the papers.

I consider it very important to try and interest the United States Consul at Amsterdam, so that in case the 'Poors' privilege' is denied by all the courts the American heirs could then ask the assistance of their government. Of course our government wouldn't touch the case or help us in any possible way unless we proved to their satisfaction the case had merit.

Mr. Serbrock called at the hotel later on in the afternoon with his father, and we had a long talk. I told him about seeing Mr. Mahin, the Consul, and Serbrock, at my request, promised to call on Mr. Mahin the following day. I asked Mr. S. if there was a Paul Wirtz church or monument, and he said no, but he thought Paul Wirtz was buried in the 'Old Kirke' at Amsterdam. I immediately called a carriage and we drove to the 'Old Kirke,' where after considerable trouble, we found the grave of Paul Wirtz, and I took some pictures of it and the inscription on the tombstone.

See Fraulein Rolfs about that translation and, if you can get it from her for not more than twelve marks, get it and send it to London, and I will mail money order at once by return mail.

We leave here tomorrow for London. Our address will be Hotel Cecil, London, England. We sail September 18th from Bristol, England, on the 'Royal Edward,' for Montreal, Canada. We have had a great deal of trouble getting steamer accommodations, as everything is reserved months in advance. With regards to all,

ESTELLE RYAN SNYDER."

Now in explanation about the Fraulein Rolfs matter. She is a woman who speaks fourteen languages and who accompanied me all through the southern part of Germany in my search for records. She was of great assistance to me. Before we started out on the investigation I endeavored to get her to give me an idea of about what she would charge me for her services as interpreter and translator, and she said that she would go with me for \$1 per day and her expenses. I accepted this proposition and took her with me. After I returned to Colo there was a very valuable document there which they had gotten at Amsterdam. It had been sent



GEORGE W. WERTS, JR., ALEDO, ILL., COR. SECY. WERTZ FAMILY  
ASSOCIATION.



to Paul Wertz and I was very anxious to take either it or a copy to Amsterdam to show Mr. Mahin, the American Consul there, as it was really the key to the whole situation. It gave the books, the pages, the archives and records in which could be found all the documentary evidence in regard to the old-time corruption and bribery in the Wertz case. Therefore I was anxious to have this document, (which was in Hollandish and Latin) translated into English to take with me to Amsterdam. This woman at the last minute and after she had been paid her bill attempted to charge me the exorbitant price of 24 marks (\$6) for translating this document which consisted of only four or five longhand written pages. The work couldn't possibly have taken her longer than two hours to perform. Naturally I refused to pay the bill on the ground that it was unreasonable and excessive. I had been overcharged right and left in Germany and I was just about disgusted with their outrageous charges. I found that because I was an American I was charged about five times more than a German would be charged. I told this woman she could keep her translation, that I would not pay her \$6 for it; but that, for the sake of peace and saving time, I would pay her half the amount she asked, namely \$3. This amount she positively refused, therefore I left the copy with her, taking with me (to return to Paul Wertz) the original document, intending to have a copy made by some one else later on. I returned the paper to Paul Wertz and he agreed to send it to me so that I could have it copied any time I wanted it. After reaching Amsterdam, and in order to have the copy so as to present it to Mr. Mahin, I wrote to Paul Wertz authorizing him to make another offer of 12 marks (\$3) to Fraulein Rolfs for the document and to send it on. This was the answer I received from Wertz:

"Dear Mrs. Snyder:

I beg to acknowledge receipt of your letter and have taken note of the contents. Yesterday I ordered the parts from Amsterdam referred to in Mr. Serbrock's letter, from a gentleman who offered his services to me, and have at the same time written to Mr. Serbrock in regard to the matter. I also informed Dr. Von Velsen; as soon as I have a reply will let you know. If you wish to interest Mr. Mahin in this matter you must place all the papers at his disposal; I mean the brief made by Dr. Von Velsen, which you now have.

The paper which was translated for you into English by Fraulein Rolfs would also be necessary, and will enable Mr. Mahin to see the originals of these documents in the archives in Amsterdam personally, as he will surely know the Dutch language and be able to read them. Miss Rolfs will not part with the copy under 24 marks, as she gets a higher fee from others (that is, 3 marks per 100 words). Mr. Wurm was here on Saturday and asked me to settle for this payment of 24 marks to Miss Rolfs; as the document was in order and properly done, we are obliged to pay this amount and must charge it up to your Association in Chicago. It would, therefore, be simpler if you would send the amount, so that Miss Rolfs may give up the document, as you will want the same for Mr. Mahin. We have always given Miss Rolfs our translations and were always satisfied; also, the amount is not such a large one as to be long in dispute. Miss Rolfs told me that you could negotiate for the list of emigrants; will you please let me know if it is necessary to have this. My opinion is that we ought to find out what office possesses the books of Mutterstadt, so as to follow up your ancestor, Jacob Wirtz. I took the opportunity of following up the Wirtz family in Bretten, and shall be glad if you will let me know again the names of those members whom it is important to follow up. I am very glad to have made your personal acquaintance, etc., etc.

[Signed.] PAUL WIRTZ."

Now, I want you to understand that Mr. Wurm is the treasurer of the German association, and he comes in and tells the president of his association that I must pay this bill. Just think of that. It they wanted to see the bill paid, regardless of the circumstances, why didn't they pay it themselves and send the document to me? They haven't done anything that will bring us any nearer the goal. They have the 1000 marks that our association sent to them, and if they had wanted to do the right thing in the matter, so far as we are concerned, they could have said, "Here, this woman has overcharged Mrs. Snyder; Mrs. Snyder has



MISS CORA HOSELTON, MILLERSBURG, IA., ASS'T COR. SECY.  
WERTZ FAMILY ASSOCIATION.

offered to pay 12 marks, we will pay the other 12 marks and send the document to her; they were good enough to come in with us and share the 2000 marks for the expense of the trial at Hamburg, if the Poors' Privilege was granted." Oh, no. They prefer to take the position of forcing me to pay this woman 24 marks, which they knew positively is not the legal price for work of this kind even in Germany to an American; but they allowed this woman to force me, through them, to pay this bill.

You see they know that they have not any chance over there. They have not got the money to file their case in Hamburg; but now, when they see every door closed to them over there, they turn around and they will begin to look for our Jacob Wertz, and use us as the "goat".

Naturally I was afraid that these people might go to work instituting researches on behalf of Jacob Wertz and afterwards send us in a big bill for the work. Judging by the "nerve" they displayed in "ordering" me to pay Fraulein Rolfs' bill, it would have been no surprise to me if they had gone ahead incurring bills. I was the one who incurred the Rolfs' bill and I personally was the only one responsible for the payment of it, therefore I very much resented their interfering in the way they did and ordering me to pay a bill that I considered an outrageous overcharge. I didn't want our association to be placed in the position of being asked or forced to pay bills incurred by them on our behalf without any authority whatever from us for so doing, therefore I thought it wise to nip the evil in the beginning. Here is my letter to Paul Wertz:

London, England, September 13th, 1912.

Dear Mr. Wirtz: Your welcome letter received. I shall take pleasure in conveying your message to your relatives in Chicago. I note what you say regarding Herr Wurm having ordered you to pay a bill incurred by me for translation and charged by your Association to my Association in Chicago. I am very much surprised at such a thing being done, as I do not consider that Herr Wurm, or anyone else, has any right to pay a bill in my name that I have refused to pay. I refused Fraulein Rolf because she had acted in an unprincipled manner. When I first employed her, I asked her price for her services and she said, "You need not worry; I will charge you very little. I have done so much work on this case I am very much interested, and will do all I can to help you." When the time came for her to put in her bill she charged me 20 marks for the day we spent at Dusseldorf. I paid the bill and told her I was surprised at the size of same after what she had said to me in the beginning. She became quite insulting, and I made up my mind we would do without her translation rather than put up with her extortion. I have had some translating done here in London; some papers from Speyer, your letter, etc., and for the whole of it (which far exceeded Rolf's translation in length) I was charged the modest sum of 5 shillings, and the work was done on the typewriter, and very well done indeed. I am enclosing you a price list giving the legal rate for translations, and you will see it is 75 pfennig per hundred words, instead of 3 marks per hundred, as Rolfs has charged, which is four times the legal rate. However, the amount is too small to have any argument about, and as you have paid this bill I will reimburse you this amount, and would ask you to kindly send me this paper by return mail to London, so I can make a typewritten copy and send it to Mr. Mahin before I leave here, as I think it important to get as much proof to Mr. Mahin as possible. I want you to see the value of having Mr. Mahin's assistance, as I do, for it means a great deal to all of us if he will help us. In case Dr. Von Velsen is refused the 'poors' privilege' for Miss Wirges, the American Association could then place the matter before the United States government. Of course you will realize that our government's interference will change the entire status of the case at once, for recognition of our government would have to be made. I am sure that your association should be just as anxious as ours to secure Mr. Mahin's help, and you should try and send him anything that would help him to thoroughly understand this case in full.

Now about your looking up my Jacob Wuertz. I have already had examined all records at Mutterstadt. Yesterday I had another letter from Speyer:

"Dr. Muller wishes to inform you that no older Lutheran Baptismal records exist than those we have already thoroughly searched. We are making you thirteen extracts of Wirtzes of the Palatinate for 8 marks 70 pfennig. As I am going on my vacation for two weeks these papers will not be ready until October."

I have written Mr. Frey, the registrar at Speyer, to find the emigration list for me, so that matter, you see, has already been attended to.



PAUL D. WERTZ, ZANESVILLE, OHIO, DIRECTOR OF THE  
WERTZ FAMILY ASSOCIATION.

Regarding Jemima Wertz, of Bretten, I made an exhaustive search and obtained the birth records of 52 Wertzses born in Bretten, and found no trace of her whatever. I have been told that there is a town in France by the same name, and that "Jemima" is a well known French name. I know positively that this woman did not come from Bretten, Germany, so you need not look for her there.

We have in our Association many different lines, as I have told you before. I have one that I am almost positive is a direct lineal descendant, and that is our Second Vice-President, C. H. Wertz, and his brother (also an officer), Paul Wertz, of Zanesville, Ohio. I made research at Neckerweingen for them, and I believe, in the course of a month's time, we will have their proof complete. I feel confident, therefore, that our Association has many real heirs, and that if necessity arises we can produce a real heir or heirs to ask our Government's assistance.

Of course we have paid your association the sum of one thousand marks, with the understanding that this was to cover our part of the expense; we do not wish to spend any more money for that purpose until the point at Hamburg is either lost or won. We have spent hundreds of dollars tracing up the genealogy of our different lines, and I spent four weeks in Germany doing the best I could. Our expenses, therefore, have been very heavy.

I would respectfully request that no researches be made for us incurring any expense, unless first submitted to me, as President of our Association, and authorized by me to be carried on. I am the custodian of the funds of our Association, and it is my duty and purpose to see that the money paid in by my people is used to the very best advantage to forward the interests of all concerned. Please do not permit Fraulien Rolfs to make any inquiries on our behalf whatever, as I do not intend to pay any more bills to her or anyone else without my first being consulted and my authority given.

Now, Mr. Wirtz, please do not misunderstand my meaning. I am in the same position that you are yourself. We are presidents, but are bound to act according to the desires of our officers and board, and would be blamed if matters do not suit the majority of members, consequently you know we must both act conscientiously and to the best of our ability. I have no right to incur a lot of expense without the permission of my people. That is why I am saying so positively at this time that no bills must be incurred which my Association will be expected to pay until your Association has first notified us what a thing will cost and received in return written instructions from me that we are willing to pay such a bill.

I hope, Mr. Wertz, that you will make every effort in your power to give me every particle of information from now on as speedily as you can, so I will know what to do in my country. I have letters in every direction in Germany, and as fast as I have anything of importance I will notify you in full. I wish you to do the same, and, as President of the American Association, I expect to be kept in detailed touch with all the work, and I am sure you will do this. If Dr. Von Velsen has any other papers that he thinks would help Mr. Mahin, I wish you would get copies to me, free of charge, so that I can have translations made. We can use this time, while we are awaiting developments at Hamburg, to get the real truth and facts before Mr. Mahin. He is such a splendid man I have the utmost confidence in him. Faithfully,

ESTELLE RYAN SNYDER.

Another wait for a reply, and I was finally obliged to sail on the 18th without the paper I had sent Wirtz the 24 marks to pay for. After I had returned home, perhaps a week later, I received the paper, which should have been sent me in England.

I was very much disappointed in the attitude that Mr. Wirtz took in this matter and very much feared that they would go ahead and institute a search at our expense, and as they are possessed of the insane idea over there that all Americans have "money to burn," our company would probably land in jail for debt if we allowed them carte blanche. Consequently I was obliged to write the letter that I did forbidding them to incur any expense in our name without our permission. I am afraid that this has antagonized them a little, although they are diplomatic enough to not say anything, because I think they realize now that we have the whip-hand. I have not heard from Wirtz since I returned save this one letter which should have been sent to me in London.

I have read these letters just to give you an idea, in a small way, of how much trouble your president has in keeping the Germans in line. They do not keep us informed. There was a period of almost five months I never even heard from the German company, whereas I had been expecting from day to day to hear from them. This was not fair

and square treatment on their part. We had sent them 1000 marks with the explicit understanding that they were to keep us informed, and they did not keep their agreement in that regard; consequently I have not much confidence in them. I think they are honest, but I don't think they are reliable.

(Laughter.)

I think that a person can be perfectly honest and still not be reliable, because while they may mean to do right they may not do so.

The English translation of the document just referred to, over which there was so much controversy, is what might be called an index to the various records contained in the archives at Amsterdam, relating to the Paul Wirtz inheritance. It will be found in Dr. Von Velsen's brief, and known as "Exhibit Three".

This document or index was procured by Police Commisary Escher and given by him to Dr. Von Velsen. It is a very important document because it shows where the original proofs can be found in the archives. Paul Wirtz wrote Dr. Von Velsen, receiving the following letter from Von Velsen in reply:

Many thanks for sending me the writings. Three of them were interesting. One of them shows which documents were (in question) at the process in Amsterdam. If Mr. Serbrock had occasion to procure us the still missing material it would be excellent. All the missing writings, except three, are in the parish archives of Amsterdam. Herr Escher has looked them over at the time and got a list of them. I enclose the list, and it would be very good to get the copies of all the writings if it is possible. If not, the following numbers are the most important: No. 2, 3, 6, 7, 8, 10, 26, 27, 28, 29 and 30.

Besides these there were other important documents among the acts of the Processes of Amsterdam. These writings are certainly still at the Hague. It is most annoying that the inventory of Philip Van Eyck from the 12th of April, 1695, which was also among the process papers, is no more to be procured. However, I think it would be possible to find the process papers.

VON VELSEN.

I lost the trail, as you might say, of Jacob Wertz at Mutterstadt. There was a letter in the possession of one of the officers of our association which led us to believe that Jacob Wertz had been born in Mutterstadt, but a careful search of the records for a period of 200 years failed to disclose a Wertz having ever been born in Mutterstadt. So naturally we were at the end of the trail. I didn't know where to commence next, only that I knew he was a Palatine. I went to Speyer, the chief city of the Palatinate, and instituted a search at that point. Now the registrar there has been very successful to a certain extent, and I was very much pleased when I received his report, as I think we now have something to work on. He sent me a list of the Wertz families that lived in the Palatinate commencing with the year 1521, and it runs down through 15 families, and at the end of these he has called my attention to one particular family that strikes me as being the one.

His letter is as follows.

Dear Mrs. Snyder—These excerpts from the Kings County archives for the Wertz family could be lengthened by a farther search, but this wouldn't be worth anything to you, because only extracts from church books are allowed for a purpose like yours, but the above excerpts give a stopping point for further research. In the first line it appears that it would be well to search in Bubenheim, because a certain Jacob Wuertz lived there from the year 1724. Then one could search in Rodalbe, Enkenbach, etc.

HERMAN FREY.

I have written Mr. Frey the following letter:

Dear Mr. Frey—I received the excerpts you sent me, and was pleased with them. I am enclosing herewith five dollars (or twenty marks), as I want you to look up the church records at Bubenheim. Give them a thorough search. I feel sure that this is the place we have been searching for, as I have several letters in my possession giving the names of "Bubenheim" and "Ottersheim" as being Wertz strongholds. Look up

Bubenheim first and search both Catholic and Lutheran records for Jacob Wuertz; if you find Jacob, look for his parents and brothers and sisters. Get certified copies of everything that you think will assist us. Now, it is necessary to do this work as rapidly as possible, and I would ask you to give the matter your attention as soon as possible. I do not know who to write to at Bubenheim to search the records, so will put the matter in your hands, as you have been so faithful in the past, and would ask you to either make a demand for the records or write to the proper authority and ask that search be made. If the enclosed is not sufficient for the work, you will kindly have a bill made out, in accordance with the legal fee charged by such officers, and send it to me and I will send the amount.

I think we have struck a keen scent, and I am very anxious to obtain Bubenheim records as suggested by this Registrar at Speyer.

Before I go any further I will tell you that Dr. Von Velsen has had all the archives relative to this entire case transferred from Vienna to Dusseldorf and they are in the custody of the court there. Dr. Von Velsen has the permission of the court to have access to them. He took me (at my request) to see these records and I found that they had a genealogical tree commencing with Conrad Paul Wirtz (the grandfather of Field-Marshal Paul Wirtz), giving the genealogical branches of descent of Paul's father's four brothers, Johann, Mathias, Englmann, and Arieth.

You have all of you undoubtedly wondered many times where all of these Wirtzes came from, for the woods seem to be full of them. When you stop to think that Paul Wirtz's father, Nicholas, had four brothers, each of whom had large families, you will begin to understand that there are hundreds of Wirtzes, who though they may be related to Paul Wirtz, are not his heirs, as they descend through his uncle's children. Now, this genealogical tree which gives the descent of these four brothers is at Dusseldorf. It is very important that I should have a copy of the same because we do not know but what many of us may have descended through these other four lines, and if so we want to know it. Consequently I requested Dr. Von Velsen to have a certified copy of this genealogical tree made for me. He tried to discourage this, but I was determined to have it as I did not have the time to follow the different branches to see who was who. It was very poorly written in German and would require a great deal of time to intelligently follow and understand. I told Dr. Von Velsen to inquire what it would cost to have a copy made and he ascertained that they would charge ten marks (\$2.50). I paid the amount with the understanding that as soon as court opened (September 15) a copy would be made and sent at once. I have not yet received the copy, and unless I receive it shortly I will write and inquire what is the matter. It is only another instance of their laxity and unreliability. Our existence is very much deplored by this company, and I feel positive that the only reason we were allowed to join their company was because they knew they could not possibly handle the case alone and they were relying on our money to help out. They don't like us; in fact the German lower and middle classes have absolutely no use for Americans. They take no pains to conceal their dislike as they are very often openly discourteous and uncivil and lose no opportunity to take advantage of an American in every possible manner. They have a very peculiar idea regarding Americans in general, and that is that there are no poor people in America; that everyone has plenty of money and that they don't have to work for it. They seem to think that the money literally grows on trees, and what would be dishonesty towards any other nationality is legitimate when done to an American. I went to the bank at Cologne and presented a Chicago draft issued by the Continental Bank of Chicago to the Markish bank at Cologne for the sum of 1000 marks. I took this money, part in Hollandish, and part in German marks. The cashier, knowing that I was unfamiliar with the money, robbed me of \$50 in our American money. Mr. Snyder was with me, as was also Paul Wirtz's young son, and saw the money handed to me at the cashier's desk. When I found out that I had been shortchanged and made complaint through the bank my complaint was ridiculed and I was reminded that the cashier was a trusted employee and incapable of



**JAMES W. WERTZ, GRAND JUNCTION, IA., DIRECTOR OF THE  
WERTZ FAMILY ASSOCIATION.**

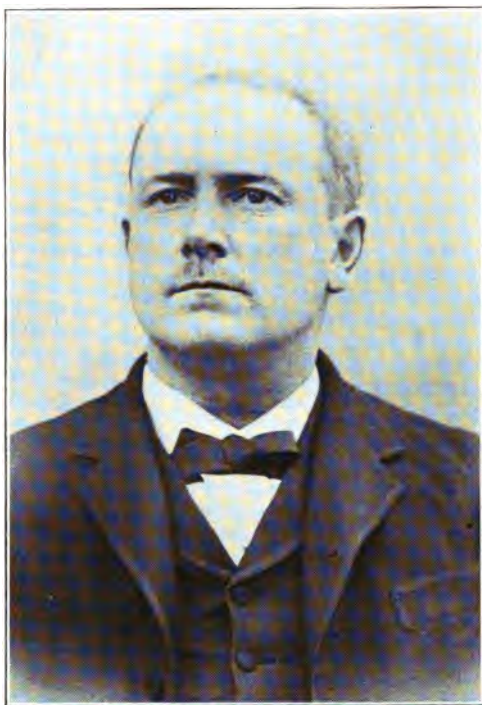


dishonesty. However, the fact remains that he deliberately robbed me of \$50 and was upheld in his theft by the bank which he represented and I had no recourse whatever in the matter and was very much at a disadvantage because I could not speak the language. The only thing I could have done would have been to report it to the American Consul, whereupon the incident would have gotten into the newspapers when I was trying to keep my presence in Germany and Holland a secret and it would have defeated my work. That is only one instance of the many unpleasant occurrences that came up during my sojourn in Germany. When I was in the southern part of the country at Mannheim, Mutterstadt and the like we went into little country hotels of the very poorest kind and were charged exorbitant prices, in fact, robbed both right and left. Had I known with what I had to go through in Germany I would never have attempted the trip with the sum of money provided for me to make my investigations. I would have been frightened to death for fear of getting stranded. I wish to say right here that if Mr. Snyder had not taken with him one thousand dollars of his own money we could never have managed at all, for I have not charged in my expense account hotel tips or the like; we paid them ourselves personally. To a free-born American citizen it may be surprising to learn that it is impossible to travel in Germany without your money in your hand at all times and if you do not give a tip of your own volition the hotel proprietor will add it to your bill and you are obliged to pay it. It would not be so bad if one only had to tip one person, but you have to commence with the "boots" and go down a line with every employe in the hotel, consequently, although the tip is small, it makes a big "hole" in your purse when kept up from day to day. Mr. Snyder, as you know, accompanied me to Germany on the trip as it was impossible for a woman to make such a trip alone. During our four weeks stay in Germany and two days in Holland the expenses of both Mr. Snyder and myself were paid for by the Wertz Family Association. After we left Holland we spent a day in Brussels, eight days in Paris, and eight days in London. This expense Mr. Snyder paid personally. Consequently our European trip has cost Mr. Snyder personally considerable over \$1,000 and the association \$1,038.

As I told you before, I have a great stack of typewritten copies of German documents which were given to me by Paul Wirtz, and which I am to have translated and a copy sent to Mr. Mahin, our American Consul at Amsterdam. I have had Dr. Von Velsen's brief, which he filed with the court at Hamburg, translated at an expense of \$15 as it gives a legal review of the entire case as presented to the court and of course I know it would be of vital interest to all of you. The other papers, such as Paul Wirtz's will, the inventory of the property, the arrest of judgment and many other legal processes I have not yet had translated on account of the heavy expenses, but it is really very necessary (if we have any idea of interesting our government and placing this matter before the proper authorities for review to have these translations made as soon as possible. I am going to read you this report:

(Here the President read five pages of Dr. Von Velsen's brief; on account of the said document being 50 pages in length she did not read further, but stated that the brief, together with all other German documents, after being translated, would be inserted in the Stenographic report of the reunion proceedings. All of the documents referred to will be found in this book following this stenographic report.)

THE PRESIDENT (continuing): I think the foregoing report gives a very clear insight into this entire case. The question that I wanted to present to you during this convention is this; I have placed the situation fairly and squarely before you, you know what has been done and you know how much remains to be done. I want to make this clear to you once and for all, that I do not honestly and truthfully know whether or not Jacob Wertz, Daniel Wertz, the Rev. Johann Conrad Wertz, and George Henry Wertz, of Carolina, are lieneal descendants of the great



**JOHN W. WERTZ, STUART, NEB., DIRECTOR OF THE  
WERTZ FAMILY ASSOCIATION.**

Field-Marshal Paul Wirtz, and neither does the German company know who of its members are legal heirs, for they are exactly in the same position we are—unable to find missing links which will connect their genealogy with that of the Field-Marshal. As I have told you in my circular, many of the old, valuable Church records of Germany had been lost during the French invasion, and it makes it quite difficult to connect up the various lines on this account. I want you to consider the matter well while you are here as I shall give you plenty of time to consider among yourselves as to whether or not the Wertz Family Association shall go on with this after the Poors' Privilege has been denied the German company or shall let it drop forever. Personally, from my own standpoint, I would say that I would not approve of sending any more money to the Germans under any circumstance, but that I do believe we should use every endeavor to place this matter intelligently before the proper authorities and ask the intercession of the United States government in this matter.

Of course before we can ask the assistance of our government, which in itself would be an issue of national importance, we have first to convince our government, by proper proof, that we have a meritorious claim. To do this, as I said before, will mean the translation of many documents from German into English and require several hundred of dollars.

You will see by the Treasurer's report that our treasury is not well filled as we have only a balance of \$184.59. We have been put to the expense of having to pay for the use of these halls during this convention, as well as having badges printed, and many other necessary little expenses that could not be avoided. Your president and treasurer have come here at their own expense and we live at such a distance that the expense is considerable. The vital question that we have before us to consider at this convention is, whether or not we go on with this work or let the matter drop once and forever. If we go on we must have a few hundred dollars more in the treasury for use in our investigation, geneologically, in Germany and America. I wish to say that I do not want to assess our members again. I am merely offering this for a suggestion and you can use it for what it is worth. I wish it was possible that those of you who can really afford to place in the treasury of this company a specific small sum would do so in order that this work might be carried on as far as possible without hardship on some of the other members who have tried so valiantly to do their share in this colossal undertaking and who, many of them, are working for a small wage, and a dollar means more to them than a hundred to some of us. I give you the suggestion to think and talk over and when we hold our election I am going to ask your decision. I said at the time we made the April levy that would be the special and last assessment, and I would like to keep my word. I do not want to see the Wertz Family Association die out. I want to see it become an incorporated body under the laws of the state. I want to see this family reunion perpetuated and continued long after I have been laid to rest in order that my children and my children's children will have enough pride in their family to get together with their kin folks annually, or, if that be too often at least every two years, if possible.

Now then, about Dr. Von Velsen's brief. As you will see it is really too long for me to read to you. I think the way that should be done is, if your secretary-treasurer writes up the record of the minutes, that this brief should be printed in full so that each one of you would have access to it; you would then know the real history of the case, the legal status of it, because all statements made in a brief must absolutely be proven in the courts of law, and the law books and the legal references given. It is a most remarkable document, running over some fifty pages, which absolutely shows that Paul Wertz died possessed of an immense fortune. I have been associated with Mr. Snyder in his practice as a court reporter during the past 20 years and have had a great deal of experience in reading briefs and copying them, and I am frank to say that, in all my experience, I have never read such a remarkable document as this one is. If you did not see the references to the law books and if you did not

understand that it is a real, genuine lawyer's brief, you would really think it was fiction. It reads like a novel instead of a natural, truthful, everyday history of a man's life.

Now, remember this is the lawyer's brief. They filed a request at Hamburg for the Poors' Privilege. The court immediately refused to give it. Then Dr. Von Velsen, nothing daunted, turned to the court and said, "I will file a brief with you if you will reconsider this matter." The court permitted him to file the brief—of which this is a copy—and they are now reading this brief and reconsidering the case as to whether or not they will grant the Poors' Privilege.

I had intended to have a big copy of the blue print, but death in my immediate family has forced me to change many of my plans. I was unfortunate enough to be forced to leave my mother a widow yesterday morning, and I placed her on the train with the body of my step-father, who had died the day before, and who is being buried this afternoon in Cambridge, Illinois. We had been having a very sorrowful home for four or five days prior to that. I was in the hospital night after night, not having my clothes off for as many as 48 hours, consequently I have not been able to make a chart in big letters and hang it on the wall. But the blue print will be hung on the wall and you can all gather around it in groups and see and read it for yourselves; but of course the printed blue print is only small like this and I had intended to have it in big letters hanging on the wall so that you could see it very easily.

I have here two letters that have come to me within the last two days, and I want to read them to you so that you will know the president's chair is not a bed of roses. This letter has come from the State of Pennsylvania. I will not give any name because the woman herself, if she was here, would be so ashamed that she would not want anybody to know who she was. When she wrote this letter to me on October 20th she had been a member just five days. This is the letter:

"B———, Pa.

Dear Mrs. Snyder—Your letter at hand and contents of report carefully read. I regret to say I am very, very, very much disappointed in that you are not absolutely assured the fortune exists, nor can you positively assert we belong to the clan. It discourages me.

I have two excellent lawyer acquaintances of Philadelphia who work largely with such matters. They advised me there might possibly be something to it (they are looking the matter up), but the method pursued to obtain the money was very faulty with very little chance to get it, one criticism being too much noise and too widely advertised.

I wrote for and sent the extra one dollar for your history of the Wertz family; instead you sent me the Secretary's report of the first meeting of the association. I am sorry the mistake occurred, as I am quite anxious to get information on the American side of the family from their coming to the present day. I will return the report. May I request you send at your earliest convenience the history. I will be very appreciative.

I wish to attend the Association at Harrisburg. Will you kindly let me know the place of meeting and hotel headquarters.

As for the assessments due you mentioned, not being a member at time the assessments were levied, I don't feel obliged to pay. I am sure you don't mean that I shall.

Trusting we may have a large Association meet, I am, very truly yours,  
MISS V. WERTZ.

The following letter is my reply to this woman who had been a member just four days when she wrote this letter of advice as to how we should conduct our Association.

Dear Madam—Your letter received and read with considerable surprise. Your membership was not solicited, and we stand ready to refund your dollar paid in at any time, and would prefer to do so than have anyone in our Association that is so quick to pass judgment on something of which she knows absolutely nothing.

This Association has worked over a year without aid from you, and can continue to do so. If you think you don't care to pay assessments that every other member is willing to pay, just speak to me at the

convention and you will be paid your dollar back and be released. If you do remain, you will pay your assessments the same as every one else has done, as this Association runs the affairs according to the majority of the members and not in accordance to one person's own personal opinion.

Now, regarding the history of the Wertz family, you were sent the booklet described, which is the stenographic report of our last reunion, giving my speech and giving the history of the Wertz family as far as known. If you are dissatisfied with the booklet, please return it to me and receive your money back. We have 912 members, and the first complaint we have had is in your case, so I think the best way for you to do is to receive your membership fee back and relinquish your membership certificate and proceed independently in your own way, as you can then run matters properly.

Your interest in this matter is commencing rather late in the day, to say the least. Yours truly,

**THE PRESIDENT:** Here is another interesting epistle. It comes from Kansas. The writer is *not* a member of our Association.

Williamsburg, Kans., Oct. 21.

Miss Snyder—I see by the Oregon paper that the Wertz heirs are to have another reunion at Harrisburg, Pa., and as I cannot leave home, as I have no one to take care of the stock, and would like to know a little something about what the heirs intend to do, and will ask you to please let me know, and if there is any chance of receiving a legacy I will do my part in the financial affairs, but would like to know just what kind of a stand they intend to make and what they want to raise money for, if it is to employ a lawyer or to pay someone to take trips to Holland and look up more records as to the Wertz family. We think that as a proof we are the rightful heirs. I think we have all that is needed. Respectfully yours,

GEORGE WERTZ.

**THE PRESIDENT:** These are just the kind of people that are instigating these unfair reports that are coming out in the newspapers from time to time and which cause me so much annoyance. These people do not know what the association is doing and they go to the newspapers with the most ridiculous stories, the result being that it keeps me busy writing to the newspapers giving the actual facts and denying what is told to them.

I have received letters from all over the country, from cranks, fakers and the like. I have a letter from Cleveland, Ohio, written by a woman cousin who is one of the lineal descendants of our Jacob Wertz, and she says that an alleged lawyer has been running all around Cleveland trying to get Wertz heirs to give him a certain sum of money, telling them that I was in Germany, that I was not here at all, and that there were some very important things that had to come up before him right away and if they would give him some money he would attend to the matter for them. The woman in question listened to him for a while and then said, "My good man, you are wrong; Mrs. Snyder is in Chicago; she has returned from Europe," with the result that the "alleged" lawyer, on getting this information, beat a hasty retreat.

Now, this is just a sample of a few of the unpleasant things that come up from time to time, and they are always caused by outsiders. We have no trouble with our own people because they are in touch with everything that is actually going on. If any of our 900 odd members have any complaint they do not make it known; this woman's complaint received a few days ago being the first one.

I wanted to explain this fully to you because of the fact that a great many people apparently think that being the president of this association is a real nice position. I just want to tell you how dreadful it is to be sitting at your desk doing your utmost, having worked probably until midnight the evening before, to pick up your mail and, upon opening it, find a lot of nasty newspaper criticisms, which have not a word of truth in them, instigated by people who do not know anything about the real situation and who care less. It is the president who has to bear the brunt of it all. If we should be fortunate enough to win out in this matter in the end why of course I will be the biggest woman in



JOHN A. WERTZ, JOHNSTOWN, P.A., DIREC-  
TOR WERTZ FAMILY ASSOCIATION.

the world; but just consider the awful position I will be in if we do not win out. In spite of all my hard work—and my efforts are always with the goal of success in view—if we lose this case I suppose the best thing for me to do will be to tie a stone around my neck and drop out of sight.

I was going to call for the Treasurer's report. Because of the death of my step-father, to which I referred a few moments ago, the treasurer has not had an opportunity to prepare his report—or, rather, to be more correct, I haven't had time to prepare it for him in itemized form as it will be made, but I can give you an idea of what we have. We always print the treasurer's report and send it to our members. You are all entitled to know every dollar that has been spent, and an itemized account will be sent to every one of you.

We have outstanding 230 January assessments. That is the first assessment that was levied on the members. There are 230 people who have not paid their January assessment. I think these are the members that have originally come from other countries and feel that they are not of the German Wertz family. I think they came in and paid their dollar for doing so, and when they found out what they wanted they dropped out. I do not know that to be a positive fact, but I think it is a fair assumption under the circumstances. I have been sending them the literature and the circulars every month just the same, so that they have had full return for the dollar they spent.

We have 464 special assessments in arrears. Out of this number perhaps 25 have written saying that they are not able to pay the assessment now, but would pay later. With the rest it is probably negligence; I don't know. But, anyway, it leaves us \$694 behind in assessments. If we had that \$694 we would not need another cent; we would have plenty of money.

The trip to Europe cost \$1,038.75 to the association. I have preserved the receipted bills wherever it was possible to get receipts. I will say that I do not think anybody on earth could have covered the ground and have gotten the records that I got on the amount of money that I had with which to pay expenses, such, for instance, as steamship, railroad, hotel, records and other expenses. I had to fight my way through in every instance to keep from having what little I had taken away from me before I got out of each city.

We have in the treasury \$184.59. I have a stack of documents from Holland probably that high (illustrating 12 inches), the will of Paul Wertz, the inventory, and various documents of the greatest importance. If you go on with this case those documents must be translated, then they must be typewritten and three copies made; one copy to be placed before the proper authorities at Washington, one to be sent to Mr. Mahin, the American consul at Amsterdam, Holland—as it is important, first of all, to get Mr. Mahin interested—the third copy to be kept by our association as a record. This translation work must be done, and I don't think those documents can be translated short of \$100, as there are so many of them.

I want to say to you that your president has worked in this association a year this month, and before we organized ourselves I had worked a matter of some six months, or more than that. I took up the work in February, 1911, and the association was formed in October of the same year. During this period of about nine months I worked independently myself, using my own money, and it cost me in the neighborhood of between \$250 and \$300 to make the researches that I made and which was the basis of the formation of the association. I kept track of every dollar that I had spent since first taking up this matter, and some little time ago I took occasion to foot up what I had spent in connection with the work

up to the time the association was formed and I was somewhat surprised to find the different small amounts aggregate the figures above mentioned. As you all know during that period of time—that is from the commencement of the work to the present time, I have not received one cent remuneration either directly or indirectly, neither did I expect it or wish it. I have worked hard and faithfully, and I have everything ready, if you wish to go on with it, for you to present to our government after it has been properly translated and typewritten. And in this connection I want to say that I believe we have a document here that will make quite an impression on our government.

I have given nearly two years of my life in the interests of the Wertz heirs, and I am not an heir myself. My mother, if she is of the right family, is an heir. And I want to say that I think I have done my duty by you all, and I want to again say to you that I thank you all for the sincere kindness that you have shown to me. You have been so faithful, and I have been so dependent upon you, and when I have called upon you for anything to be done not one has ever failed; but I think now that it is time for you to put some one else in the chair—if for no other reason than that perhaps a new broom will sweep cleaner. Maybe I have erred in some of the ways I have gone on with the work, but I have done the best I could. Perhaps some one else, a man, for instance, would be able to accomplish greater things than I have done. I have worked so long, and when I get these dreadful letters from people on the outside, and when I see these awful pieces they put in the newspapers, calling us rainbow chasers and printing such dreadful lies,—because they are nothing but lies—it disheartens me and I feel I don't want to be at the head for fear we do not win, and we all know what an uncertainty a thing of this kind is. If we do not win it means that I will be criticized by many who do not understand the real situation and the delicate position that I am in as the head of the association. I just feel that I am not strong enough to bear that, and I am going to ask you, as an association, to accept my resignation as president, and put some one else in my place, some one who will be strong and honest and who will go right on to the end. Personally I think we have a good case, particularly if we can connect up properly, and I wouldn't want to see it dropped. I want to see you go on. I don't want you to put much money in it. Just put in enough money to get the copies made so as to put the matter before the government and then if the government says that we are chasing a rainbow we can drop it; but let us first take the chance; let us go on and present it to the government and if they turn us down then we shall feel that we have done all that we could do under the circumstances.

If we only had the \$694 that is outstanding, or even if we only had about \$300 more in our treasury, we would be all right then. And now I am going to adjourn this meeting, because I think you have listened very patiently to me this afternoon and it has been a long strain and the room is close, and tonight we are going to have a stereopticon lecture on my trip to Europe, commencing with my departure from New York and going with me in imagination until I finally return to America. I have some very fine pictures that I made while on my search for records. I even have a picture of Paul Wertz himself and his grave, and I have quite a little story to tell you in connection with his grave. No one is allowed to take a camera into the church where his tomb is. However, I hid my camera under my coat. I was determined that I would do everything possible to let you see everything there was to see and know, so that at the price of being jailed I got a picture of the grave of Paul Wertz which you will all see on the screen this evening. The picture performance, as we will call it, will begin at half past seven this evening so as to give you all a chance to get home early and get a good night's rest. Tomorrow morning I want to have a meeting here for the purpose of electing officers. I didn't intend to have the lecture, or rather the



little talk on the pictures, until tomorrow evening, but I have been given to understand that some of you cannot stay over until tomorrow night. So I am going to dismiss you for this afternoon and ask you to think over everything I have said. You can get together in little groups and talk the matter over among yourselves. That is what you came for. You have come from very nearly every State in the Union; you came here for this purpose, and we only have three days, so I would ask you not to be at all backward in talking and expressing your views and wishes, and if there is anything I can do all you have to do is to notify me. So you will be dismissed then until half past seven this evening.

(Applause.)

At 7:30 o'clock in the evening of October 25th, Mrs. Snyder delivered a stereopticon lecture illustrating the different points of interest in connection with her recent trip to Europe in connection with the Wertz business. The hall was crowded by members and their friends and a very pleasant and entertaining evening was spent.

The convention was called to order at 9 o'clock a. m. October 26th, 1912, Mr. Hiram E. Wertz, of Quincy, Pa.

THE PRESIDENT: We have with us Mr. Hiram Wertz, and he wishes to speak to you just a moment before we start in with the general proceedings.

MR. HIRAM E. WERTZ: Friends; I think this association owes our worthy president, Mrs. Snyder, a debt of gratitude, and I would ask the association to express their appreciation by rising vote and giving her thanks for the efficient manner in which she has conducted the business of the association during the past year, as well as for the able and noble address of yesterday afternoon in our opening exercises. I therefore make a motion that a vote of thanks be extended to her for her faithfulness to the interests of the association and the efficient manner in which she has performed the duties devolving upon her as the president of the association.

MR. WILLARD W. WERTZ: I second the motion.

MR. HIRAM E. WERTZ (TEMPORARY CHAIRMAN): All those in favor of doing so will please assent by rising to their feet. It appears to be unanimous. There is one thing more. In her address yesterday the worthy president asked to be released from further duties as president. I therefore move that this association refuse her request.

The motion was seconded by Mr. William Wertz, of Grand Rapids, Mich.

The motion was unanimously carried.

THE CHAIRMAN (MR. HIRAM E. WERTZ): Now, I want to say one thing more, and I think possibly we can cut our business a little short. I move that the present officers of this association, as well as the executive committee, be continued for one year longer.

The motion was seconded by Mrs. Anna Bell, of Chicago.

The motion upon being put was unanimously carried.

MR. PAUL D. WORTZ, Zanesville, Ohio: Mr. Chairman, in connection with the matter in hand, I wish to call attention to the fact that the president of this association, Mrs. Snyder, has been at great expense in the last year that she has been in office here, and has also been put to a great deal of inconvenience. She has put in a great deal of her time working for the welfare of the association and the members thereof. And in view of the fact that Mrs. Snyder, with the aid of and in connection with her husband, has had much work to do in making all arrangements for and conducting this reunion, I think the least that we can do is to see to it that the association shall pay the expenses of both Mr. and Mrs. Snyder in connection with this convention at Harrisburg. We are cer-

tainly indebted to Mrs. Snyder for all the hard work she has done and is now doing in order to make the re-union the success it is, and I therefore move you, Mr. Chairman, that the association shall bear the expenses of Mr. and Mrs. Snyder in connection with the trip to Harrisburg and return.

The motion was duly seconded by D. R. Wertz, of Renova, and upon being put was unanimously carried.

MR. PAUL D. WORTZ, Zanesville, Ohio: I also move, Mr. Chairman, that our president, Mrs. Snyder, be authorized and empowered by this association to hire, at the expense of the association, some one to assist her in the preparation, addressing, posting and mailing of the circulars and things of that kind that she sends out, the motion being that Mrs. Snyder is authorized by the association to employ someone to assist her in this work and that the expense of same be taken out of the funds in the treasury of the association.

The motion was duly seconded by Willard Wertz, of Lincoln, Neb., and upon being put was unanimously carried.

THE PRESIDENT (MRS. SNYDER): Talk about the railroad "flyers" in London and France, where they claim to have the fastest trains in the world, I think this was the "fast express" for sure. (Laughter.)

I will say that so many people expressed their great disappointment at my resignation yesterday, and while I have felt that I just simply couldn't go on with the work, and particularly so on account of the death that has just come so suddenly into my immediate family, still I couldn't help seeing the predicament the association would really be in if I did give up the work when I had, I might almost say, all of the details of the work within my grasp, and because I want to see justice done in this matter, if it is possible to obtain justice, I am going to stay with you to the end, and if there is any possible chance to get this fortune for the heirs I want to see it accomplished. (Great applause.)

However, I want to say to you that there was an unkind remark passed last night. It was to the effect that I was leaving the presidency of the association now that I had had a trip to Germany; that having had the trip I was going to shirk the rest of the work. I want to say to you that all the hard work has now been done, and it has been done by me and by no one else. The unraveling of the genealogy and the running from place to place in connection with it has been terribly hard work. The different people have been separated into their different groups, so far as it was humanly possible for one person to do so, and I have no doubt you will believe me when I say to you that it has taken a great deal of my time. We now have in our hands all the real facts in the case, so far as it is possible to get them. All that we need now is the translation from the German into English of the documents I have referred to, then to have them typewritten, making three copies, then putting the matter before Mr. Mahin, the consul at Amsterdam, Holland. There is so much to translate, together with the family tree of Paul Wertz and the German genealogy, that I imagine the expense will probably come to \$100.00 or more. I am guessing at that figure, of course.

But I am going to go on with this work, ladies and gentlemen, simply because I want to show you that the trip to Europe had nothing whatever to do with the matter of my resignation. Why really it is too absurd for me to comment on that feature of it any further. While you might not think it, I could have had a trip to Europe long ere this had I wanted it, and without any assistance from the Wertz Family Association. I have worked hard for the association; nobody knows how hard. Nobody knows the long hours that I have worked on this matter and the



HIRAM E. WERTZ, QUINCY, PA., DIRECTOR  
WERTZ FAMILY ASSOCIATION.



JACOB WERTZ HOMESTEAD, QUINCY, PA. LEFT WING BUILT IN 1756.  
REBUILT 1826.

sleepless nights that I have passed because of planning and planning and planning. Many a man and woman have written me and asked me what particular branch they belonged to and I have studied out that branch in the middle of the night, and that is why I have the people in their proper groups. It is because of the constant brain work that I have given to the matter, not because this association has spent hundreds of dollars in running around the country looking up the proofs; but because your president has written hundreds of letters and has worked night and day in order to find out what particular groups the different people belonged to.

When this association was first organized it was started for the descendants of Jacob Wertz, and all the members that joined at Rock Island were Jacob Wertz and as we supposed, George Wertz' descendants. At that time we didn't know but what Jacob had a son, George, so that when this association came into being last October we assumed that everybody in it was a lineal descendant of Jacob Wertz who came here in 1731. Since that time nearly everybody in the United States of the name of Wertz has come into the association. As I have told you before, there are hundreds of Wertz scattered broadcast throughout the country who cannot be the heirs of the field marshal Paul Wertz; it is impossible. There couldn't be so many children; there couldn't be such a long list of descendants from one man. They have come from other branches of the family. Undoubtedly this whole family, the nucleus of it, was Nicholas Wertz's father, Cunratt (Paul Wertz grandfather) in the 15th century. I am of the belief that every Wertz in the whole United States and Europe are distantly related, that they have all sprung from one common progenitor. Now, because we wanted to be fair, we did not ask those who joined the association to produce their proof. We simply said, "If your name is Wertz, or if you are related to a Wertz, you can join the association." They came in at their own risk. We knew nothing about them and didn't pretend that we did. I didn't write to any of you people and say, "Come on in; we know all about it." On the contrary, I asked them if they knew anything about it. I had the word scattered broadcast that I wanted every one who had any papers or documents or other information to tell me what they knew. From the very beginning I never pretended to know anything that as a matter of fact I didn't know. I have never misled you in any way, shape or form. People have written me asking "Where do I belong?" And I have written back, "I don't know, but I will try and find out."

Now, I simply want to make this plain to you—that no one human being can do the amount of work that there is to do in this case and look up the genealogy of the different people. I cannot spend the time looking up each individual person. The thing that your president's time must be spent on now is to get our forces together in a proper manner and lay them before the proper tribunal so that we can find out authoritatively and definitely whether or not we have a case. It doesn't matter whether we are heirs or whether we are not heirs, it is going to take months and months to get this matter placed before the proper tribunal; so my idea is to have these papers translated, put them before Mr. Mahin, the consul at Amsterdam, and in the meantime everybody do everything they can to uncover their genealogy. You, each of you, in your own home and talking among relatives can do more good than I can sitting in my office in Chicago. Of course I have the wires working in every direction; but when I get a little information from this one here and that one there and put it together I am able to accomplish something. That is how I built up the Daniel genealogy. Nobody knew there was a Daniel until finally I ran across a little old woman out here in Pennsylvania who remembered that there was a man Daniel, and whose children were Nicholas, Paul, Henry, George and Marelus; and so on down the line of eight or ten children. Then for the first time

we knew there was a Daniel Wertz, because there is no trace of Daniel Wertz coming over in the early days with the pioneer settlers. I have gone all over Rupp's 30,000 names, and Jacob Wertz was the first Wertz that came into this country and there never was, in all the list of Wertzses that came in here, a man by the name of Daniel. Many of the ships' logs were destroyed. They are not all perfect. Harrisburg has the most complete set of documents of historical value of any place I have yet found. There is no amount of money that could replace what you have got in your capitol building here in Harrisburg. It is simply remarkable. I have been all over the United States, in the different historical buildings, and I never saw anything to equal what you have here in Harrisburg. Now, you people of Harrisburg, that are right on the ground here and that don't have to spend railroad fare, can't you get out in your county seats and look up things for yourselves, or do you expect one woman to sit in her office in Chicago and do it all? Is it fair? Is it right? Could you do it? You know you couldn't. And I can't do it, either. But I am going to stay right here as the president of this association until we place this thing before the proper tribunal and get an answer yes or no. I am going to do it even though it is a great sacrifice on my part. How great a sacrifice no one in this room, outside of my husband, can possibly know. As many of you are aware, I am a newspaper woman. I have a book that is not quite finished. I have a play that Frohman's have asked me to re-write in some respects before they can accept it. Those things mean hundreds and even thousands of dollars to me; they mean a nice little fortune in my own hand. I have an opportunity of taking up an estate in Chicago, consisting of a number of rich people there who want their genealogy traced regardless of expense. There is no money consideration attached to the estate, but there is a title involved, and they have offered me every inducement to go ahead with the work of unraveling their genealogy; but I cannot do two things at once. I am passing to one side all the money propositions, and I am not a rich woman either. Both my husband and I work for our living, and we work hard, too. We go to work at half past eight each morning and we work some nights until midnight, and Mrs. Bell of Chicago, who is present here, can bear me out in this last assertion, for she has been in my office time and time again and has seen me at work. In fact on many occasions when she has come into the office and found me in the midst of some Wertz business she has rolled up her sleeves and helped me fold and address circulars to the members of the association. If you only realized that every time you write me a letter and stick a two cent stamp in it, it means that your president has to write you a letter and address an envelope. The stamp is nothing when you stop to consider the time I have to spend in addressing 910 envelopes. It takes nearly a week's time to sit down and fold, address and stamp nearly a thousand letters. Just the sealing of the envelopes alone is quite a job and takes considerable time and patience. Now, that is too much for one woman to do, isn't it? Talk about a trip to Europe. Why there isn't any one in this association, either individually or collectively, that can ever repay me for what I have done. Money can never compensate me for my sleepless nights and the white hairs in my head. The work that I have done in connection with the Wertz family affair has undoubtedly shortened my life, and I am willing that it should be so. I am going on faithfully to the end and I will put up the strongest fight that I can wage for you, and if there is anything that can be done to enable this fight to result in a victory, rest assured that I will do my part of it. (Applause and cheering.)

And remember, if it doesn't come to a victory, I want you men and women to say, "Well, she did the best she could; that is all we could expect."

Now, I am going to ask you to help me. Everybody get busy; don't be afraid. Write a letter to your relative and say, "What do you know

about this or that;" and then when you get a lot of it together write it down on a piece of paper, and be sure that you write it plain; don't write it illegibly. Get your little family trees in the right group. Go back as far as you can; go to the graveyards and read the inscriptions on the Wertz tombstones; go to the archives; go and look at your ancestors' wills in the county seats. That is the way to look for things. In Harrisburg, for instance, you can walk right into the room in which the records are kept and you can have anything you want to look at. If you want a certified copy of a document it will cost you but a small amount of money to get it, a dollar or two or three at the most, whereas in Europe it would cost you not less than three times the amount you would pay here. Don't write and ask me a lot of foolish questions, and expect me to give hours of my time in answering them when by a little exertion on your own part you could gain the information yourself. My time will be fully occupied from now until the time we have these documents ready for Mr. Mahin. If we can only interest Mr. Mahin in the matter to the extent of having him pass the papers over to the proper officials of the United States government with the suggestion that they look into the matter, half of the battle will be won. Not half; rather nine-tenths of the battle will be won.

Now remember that I cannot do everything. I am going to get those papers in shape for presentation to the government officials. They have all got to be translated and copied on the typewriter. Now I am going to ask you all to help me as much as you possibly can. If things drag along and you don't hear anything for some little time don't get uneasy. Things in law move slowly. When these papers are placed before the government authorities they will consider them. They won't say yes or no today. They will consider the matter from many viewpoints. They will have to decide whether it would be a diplomatic thing for the United States to mix up in a matter of this kind. But the United States government, with Uncle Sam at the head, stands for a fair deal and it will always see that every American citizen gets it, and if we can show them that we have anything worth going on with I believe they will help us. We will then find out whether we have a case or whether we have not. If we have not a case we want to find it out once and for all.

I accept the presidency of this association for a second term and I wish to thank you, one and all, for the expressions of confidence you have in me, and I am only going to ask you to be a little more patient with me in the future. Don't expect so many reports, and when you write to me don't neglect to enclose a self-addressed and stamped envelope and save me that much time, and those who don't know their genealogy don't write and tell me that you only know your grandfather's name, but that you would like to find your great grandfather's name. Do it yourself. Go out and find what your great grandfather's name was yourself and don't expect me to run all around the country trying to find it for you. I don't know how some people can be so unfeeling as to expect me to sit down and write letters and run around the country trying to find out something that they could find out as well as I could by just a little exertion on their own part. Some of them seem to think I am drawing a real large salary and that I am simply earning that salary when I am spending hour after hour of my time in their personal behalf. Please remember this. After you have hunted up the records on your own account and gone back three or four generations then I can tell you where you belong.

I think I have now said all that is necessary, and I am going to ask for a report from the first vice-president, if he has anything to say.

MR. WILLARD W. WERTZ: Mr. Chairman and Madam President. I do not think I have any report to make to the association at this time. I feel like Uncle Hiram does about Mrs. Snyder and the presidency. If she won't accept the presidency, where will the association be? I am

sure that no person other than Mrs. Snyder could fill the position of president of the association like she has filled it, and she has certainly sacrificed a great deal in acting as the president of the association during the past year. There is one thing that I believe we ought to do, and do it here this morning, and that is we ought to make some provision for more money to carry on the work and to remunerate Mrs. Snyder for what she has already done, to say nothing about what she expects to do in the future, and I move you, Madam President, that we levy another assessment of one dollar per member, payable by the first day of December, 1912.

Motion duly seconded and unanimously carried.

THE PRESIDENT: The second vice-president, Mr. Lee Potterfield, could not be with us today, and he asked me to express to the organization his deep regret at not being able to be present as he was last year. He hopes to be with us another year.

Also Mr. C. H. Wortz, the third vice-president, has found it impossible to be with us today on account of business and other reasons.

I will ask the corresponding secretary for her report, if she has any to make.

MISS CORA HOSELTON: I have no report to make for the past year. I will say, however, that I am sure we are all very thankful to Mrs. Snyder for accepting another term of the presidency. I am confident that she will do everything in her power, as she certainly has done during the last year or more, to bring this matter to an issue and find out once and for all time just where we stand in this matter.

THE PRESIDENT: This reminds me that Miss Hoselton has never put in a bill for postage as recording secretary. Of course, all the circulars go out through my office, and the secretary himself, Mr. Wertz, of Aledo, has done very little in his office, not because he was unwilling to but because he did not have the opportunity, as people write to me. Of course, Miss Hoselton has her own people in Iowa that want to be kept constantly in touch with the affairs of the association and she has done a great deal for them. She ought to be reimbursed for the amount of postage she has spent during the past year in connection with the affairs of the association, and I would like someone to put that in the form of a motion.

MR. WILLARD WERTZ: I think this is a matter that should come before the executive board, and Miss Hoselton should be remunerated for the amount that she has paid out for postage, and her bill should be presented and paid; it should not come before this meeting. We have all been to expense, and as far as postage is concerned she ought to be remunerated, and that ought to come before the executive board and be paid the same as the rent for this building or any other expense that we have been put to. The postage should be paid out of the general fund.

THE PRESIDENT: I am going to call on Mr. Paul Wortz, one of the directors, for a few words.

MR. PAUL WORTZ, of Zanesville, Ohio: Madam President and Cousins—I don't know that I have very much to say. It seems like we have been saying a good deal; but the only way to get this thing through is to be prompt with our payment. The president will do the balance of it if you will help her to that extent, and surely it will not require much effort on our part when we consider what Mrs. Snyder has to do on her part. I am satisfied that the only way to do is to get these papers finished up and then we will find out whether we can do anything or not. If we cannot, then we will drop that part of the business and stand as a family association of the Wertzes. I am glad to meet the different Wertzes here and I am glad to know them. Possibly we cannot meet every year, but we can as often as possible. Each State might get up an organization so that they can meet every year. I am certainly glad to belong to this association,



and I am sure all of us are. I don't know that there is anything more I can say. I would like to keep up the association even if we do not find any wealth. Of course, we are satisfied that the fortune is there, but we want the legal proof of it, and the only way to get the proof is to get these papers translated.

THE PRESIDENT: I will ask Mr. James Wertz, one of the directors, for a few words. Well, Mr. Wertz says he hasn't anything to say. Now, I don't know whether this will be a proper matter to bring before this meeting or not, but I want to call attention to the fact that there are some expenses in connection with this convention which have to be paid while we are here at Harrisburg. We paid \$5 a day for this hall and we have to pay \$10 for the use of it last evening; there was also \$10 expense in connection with the use of the stereopticon machine, which had to be connected and put up. It took two men several hours to put it up. I took the liberty of paying that last evening out of the assessments that have been paid in at this meeting. I would therefore like to have you make some provision for the payment of the hall.

MR. PAUL WORTZ: That matter can be taken up by the executive board.

THE PRESIDENT: We will pass it for the time being then. Now, is there anything else to come before the house this morning? Have I your sanction and authority to proceed in this matter in what I consider to be the right and proper way in placing this before the United States Government? So many have responded in the affirmative, I take it that I have the sanction of the association then.

MR. HIRAM WERTZ: Friends, our worthy president has got everything as nearly perfect as human agency, I think, can make it, and I think that it would be no more than right and proper for us to say that she shall use her own judgment in connection with the advice of any attorney that she may select to further investigate this matter.

THE PRESIDENT: I don't think that we really need the services of an attorney yet. If it should come to a matter of international complication between two countries we of course would have to have an attorney to represent the American heirs; but until the United States Government acts upon the matter there will be no need of an attorney. Fortunately for the association, I know the ropes so well that I can get along, for the present at least, without the aid of an attorney. There are a few attorneys among my many friends in Chicago who have always in the past been willing to give me a "lift" over the rough places, and I imagine that, should I get "stuck" in my brief, they will be willing to help me again; therefore I don't believe we need the advice of any attorney just yet. I am sure you all feel that we have been very, very careful of the Wertz Association funds; otherwise we could never have accomplished what we did. Lawyers cost a terrible lot of money. I have been dropping in to see my lawyer friends whenever I needed a little advice, and they have given it without charge. You will see that I have in this way saved the association many a dollar when I wanted some legal advice in connection with some matter that has arisen. I think we can get along without any attorney for quite a while yet, at least until we find out how the government feels about this matter. Of course, if it comes to an issue between the two countries we will then have to have an attorney, and the very best attorney on international law that it is possible to get, and then at that time a necessary fund for such purpose would have to be raised among the real heirs. However, we will not attempt to cross that bridge until we come to it. When I spoke about carrying this matter on in my own way I didn't have reference to incurring bills and expenses or anything of that kind. I mean to have this matter placed before Mr. Mahin in my own way, and my way would be to have it translated first, then have it typewritten, then to have it briefed as much as possible, and then to send it, together with a letter, to Mr. Mahin, and to have another copy ready to send to Washington should

it become necessary to do so. The officers of the association and myself have always worked harmoniously together; they have always helped me in every possible way, and I am sure they will do so now. I am positive that they will be satisfied with anything that I do, because I have made it a rule to always consult them in the first instance. I have never done anything of importance to the association on my own initiative.

Now, is there anything to come before us, or is there any question that anyone would like to ask, or would anyone like to make a statement?

We are all going to Quincy this afternoon at 11:45; that is, rather many of us are going. Now, I would like to know whether it is necessary to hold a meeting tonight or not? I think we have threshed out every question that it is necessary to go into. We are all agreed as to what our line of conduct will be and our mode of campaign, and it does not seem to me that it will really be necessary to have another meeting tonight. If you think so, I am in the hands of my friends, of course. If you do not think it is necessary to have a meeting this evening I will just say that I am stopping at the Russ Hotel and I will be at the service of anyone wishing to see or talk with me. I am in Parlor A at the Russ House. If we have this hall tonight we will have to pay \$10 for it. I don't want to spend the \$10 unless you feel it is necessary. Tomorrow the hall is taken by a church organization, which is going to hold meetings up to 1 o'clock. Now, it has been spoken about going to Gettysburg tomorrow. The fare on Sunday is \$1 there and return. I am told that it is a magnificent trip and one that we, who have never taken it, ought not to miss. The Chicago end of this convention will return tomorrow evening at 7:40 over the Panhandle. Now, I would like to hear from some of you. Shall we get up a party to go to Gettysburg tomorrow? It is Sunday. There is nothing improper in making the trip on Sunday, if any of you have that feature of it in mind. Remember, you are going to a national cemetery of the United States; you are going to visit the graves of the men who laid down their lives, gladly and willingly, in order that you and I might live in safety and in peace in our homes, so that you are merely going there to pay tribute to the nation's heroes; you will violate none of your religious principles; have no fear on that score.

Now, then, ladies and gentlemen, there is another thing. When we first formed this organization our board of directors consisted of five, with our first vice-president as the chairman. Our association at that time was only about 250 or 300 strong; we are now 910 members strong, and it does not seem to me that the present board of directors is adequate and I think we ought to have more directors on the board, at least two more; and I think those two additional members should come from Pennsylvania, and that they ought to be lineal descendants of the first Jacob Wertz that settled in Pennsylvania, and I want to say to you that I would like to see Mr. Hiram Wertz, of Quincy, Pa., and John Wertz, his cousin, of Johnstown, Pa., selected as the two members from the State of Pennsylvania.

It was moved by Mr. Dave Wertz, of Renova, Pa., and duly seconded by Mrs. Anna Bell, of Chicago, that the present board of directors be increased so as to consist of seven members; that the two new members shall be selected from the State of Pennsylvania and that they shall be lineal descendants of Jacob Wertz, the first Wertz to arrive in America, and that these two lineal descendants shall be Mr. Hiram E. Wertz, of Quincy, Pa., and Mr. John A. Wertz, of Johnstown, Pa.

The motion was unanimously carried.

**THE PRESIDENT:** Mr. Hiram Wertz suggests that if there is any one here this morning that has not already joined the association and who would like to join, that if they will please come forward at the close of the meeting, Mr. Snyder, the secretary-treasurer, will take their names and addresses and the membership certificate will be sent to them immediately upon our return to Chicago.

I want to say to you that it is very necessary when you make a change of residence be sure and notify your president, as I have recently had returned to me five letters that were sent to Pennsylvania members.

Now, next on our program is whether or not we shall hold a reunion next year, and if so, where. I would say that the middle west would seem to me to be the logical and most practical place to hold the next reunion, and it is very accessible to all points. Chicago would be an ideal city in which to hold the reunion, and your president has a large following of friends and acquaintances there, which would make it possible for me to arrange a very delightful program. There are so many places to go to in Chicago I am sure everyone would enjoy the trip, and instead of making it two days we could make it four or five days, so that a couple of days could be spent in convention and the rest of the time spent in sight-seeing and visiting. Now, I just merely offer that as a suggestion. Is it your pleasure that we hold a reunion next year, or is it too often to hold a reunion each year? I would like to hear an expression on this subject.

MR. WILLARD W. WERTZ: Madam President, I think, as long as the records are in the condition that they are now in, that we ought to hold the reunion next year, and I move you that we have the reunion the first week in October, 1913, the reunion to be held in Chicago.

Motion seconded by Mr. Hiram Wertz and unanimously carried.

THE PRESIDENT: I want to say to you, now that the motion has unanimously carried, that your president will make this the best time you ever had in all your lives, because you will have automobile rides, mind you, and I will see that they don't cost you anything. You will pay your railroad fare into Chicago, but if you can get up a sufficiently large party I am sure that I can get you a reduced rate; I will also get you reduced rates at the best hotels in the city, and I will see that there are automobiles to take you to places of interest without a cent of expense to you. (Applause and cheering.)

THE PRESIDENT: And I will also see that the Commercial Club of Chicago gives you an entertainment of some kind. (Applause and cheering.)

THE PRESIDENT: I don't want to "roast" Harrisburg. I think the best way to do, particularly after the way the Harrisburg newspapers have treated us, is to ignore them altogether. Still I want to avail myself of the opportunity to say that I never knew of a convention being held where so little courtesy was shown to the people who came to a new city, and I am sorry for them; but, of course, it all arose because of a misunderstanding of the matter, and we all have to stand by it and do the best we can. Those in authority are apparently very sorry that it occurred, but the damage is done and it cannot be undone. But let me say to you that when you come to Chicago, where we are all "live wires," we will show you what a real city can do. (Applause and cheering.)

Is there anything else to come before us this morning that anyone can think of? If not, a motion to adjourn will be in order. Before adjourning I want to say to you that I thank you for coming so many miles to attend this convention, and I hope that you have enjoyed yourselves. If you have enjoyed yourselves as much, comparatively, as I had worked hard and as badly as I feel this morning, you must feel fine. (Laughter.)

I want to also say to you that there is a photographer outside the door there who is going to take a picture of the entire group, and if you will all assemble on the steps outside we can have a very nice group picture taken, and it will appear in the booklet. Of course, the photographer will have to get some orders for the pictures or he will not agree to make them. I for one will give my order right away and I am sure that a good many of you will want one. I will speak to him about the price outside and I will have one of the officers show you the different sized pictures.



SECOND ANNUAL REUNION WERTZ FAMILY ASSOCIATION AT HARRISBURG, PA., OCT. 25, 26, 27, 1912.

MR. HIRAM WERTZ: I move, Mrs. President, that we adjourn to meet in Chicago during the first week of October, 1913, and in doing so I hope there is some lady in the audience who can lead in that favorite hymn of mine, "God Be With You Until We Meet Again."

Motion seconded by Mrs. Bell, of Chicago.

THE PRESIDENT: It is moved and seconded that the meeting adjourn to meet in Chicago during the first week in October, 1913.

Motion unanimously carried.

THE PRESIDENT: If you will all please stand I will start the hymn for you, and all of you join in.

The assemblage, led by Mrs. Snyder, here sang the hymn, "God Be With You Until We Meet Again," at the conclusion of which Mr. Hiram E. Wertz closed the meeting by prayer.



GEN. PAULUS WIRTZ, FIELD MARSHAL OF HOLLAND. BARON  
VON ORNHOLM. BORN OCT. 30, 1612 : DIED MARCH 26, 1676.



THE OLD CHURCH AT AMSTERDAM, HOLLAND, BUILT IN 14TH CENTURY, WHERE GEN'L PAUL WIRTZ WAS BURIED IN 1676.

## THE OLD CHURCH AT AMSTERDAM.

Built in the beginning of 14th Century.

It is supported by 42 pillars, its length is 90 Meters and its breadth 65 Meters (Meter=3 ft. 3½ in.).

On entering the church through the sexton's house, one finds on the right **two windows**, representing the coat of arms of the Burgomasters since 1578 till 1767, one on the right of the choir and one on the left.

The next **window** represents Philips 4th, King of Spain, declaring the 7 United Provinces free and independent at the peace of Munster in 1648, as told by the inscription.

**Window** representing the Death of the Virgin.

The adjoining **window** represents the Birth of Jesus.

The next **window** represents the annunciation by the Arch-Angel Gabriël to Mary, and Mary visiting Elisabeth.

Below is a Portrait of Sir Jan Claaszoon van Hoppen, (Burgomaster of Amsterdam from 1549—1573) who presented this window. These three windows were painted by Digman in 1555.

On a pillar opposite, is a **monument** in memory of Jacob van Heemskerck, the arctic explorer, wintering at Nova-Zembla; he was killed in a naval engagement at Gibraltar in 1607.

On the right: a **small old organ**.

The **screen of the choir** is very interesting, made of solid brass.

The **pulpitsrail** of Brass.

**Monument** to Admiral Van der Zaan, who was killed in 1669.

Immediately to the left is a **tablet** to N. S. van Winter and his wife L. W. van Merken, both poets † 1795.

On the floor below lies a **flat tombstone** of Paul Wirtz, General in Chief, who died in 1676 at Hamburg.

The **organ** was built in 1720. The lower part is of real marble.

The **chapel**, (formerly containing the baptismal-font) became in 1648 a burying place for the families De Graeff van Polsbroek and Hooft.

**Monument** to Admiral Isaac Sweers, who was killed in 1673.

**Tombstone** of Vice-Admiral Gilles Schey.

**Monument** to Admiral Abraham van der Hulst, who was killed in a naval engagement with the English in 1666, lasting four days.

**Monument** to Admiral Cornelis Jansz, surnamed "De Haan" (the Cock) who was killed in 1633.

The adjoining **Choir** is nowadays used for weddings.

**Admission-fee 25 Cents.**





FLAT TOMBSTONE OF GEN'L PAUL WIRTZ, 1678, IN THE OLD CHURCH AT AMSTERDAM, HOLLAND. MR. WM. SERBRUCK, AND HIS FATHER, WERTZ DESCENDANTS, LIVING IN AMSTERDAM; MR. WILLIAM J. SNYDER, SECY.-TREAS. WERTZ FAMILY ASSOCIATION, IN THE CENTER.

The tombstone bears two handsome bronze tablets. The one at the head of the grave (where the elder Serbruck stands), is the Wurtz coat of arms, while the one at the foot bears the Latin dedication to the Gen'l in bronze relief. The first framed plat over the grave is a guide to the many graves in the church. Each flagstone of the floor marks a grave. There has been no burial in this church for 200 years. Photo made by Mrs. Estelle Ryan Snyder and copyrighted Nov. 29, 1912. All rights reserved.

## LEGAL FACTS.

(Dr. Von Velsen's Brief.)

On March 21 or 23, 1676, there died in Hamburg Field-Marshal Paul Wurz, Baron of Ornholm. He was born September 28, 1612, in Husum. He served in the Imperial, Swedish and Dutch service during his lifetime. In 1673 he retired to Hamburg to private life. As Paul Wurz was unmarried at the time of his death, and his own brothers had died before him, his half-brothers and half-sisters and branches were his would-be heirs.

On December 28, 1672, he willed in a testament drawn up at Gorcum, Holland, his "movable goods and 12,000 gulden to his housekeeper, Johanna von der Planken and her daughter Bertha. (See Exhibit I.)

Exhibit I, the document above referred to, is in the words and figures as follows, to wit:

### EXHIBIT I.

BE IT KNOWN TO WHOM IT MAY CONCERN, that I have to make a hasty trip in the service of the State, and as I cannot know what our Lord has destined for my person and my life, I therefore with perfect right and of my own free will, being sound of body and mind, bequeath in case of death, to the virtuous Johanna von der Planken and her daughter Berta all my movable possessions, be they here or in Amsterdam, or wherever they may be at that time, silver or whatever name they are, which all and everything can be seized and taken in possession by Johanna von der Planken. And besides this I will to her and her daughter 12,000 Hollandish Gulden, which she shall take out of my cash funds, and which she shall enjoy, be they in this country or in another, specially can they be taken from the cash money, which is, or which then ought to be, in the hands of Heinrich Mathias in Amsterdam, in order that he may hand it to her without any trouble whatever, and on account of my esteem for him I bequeath to him three thousand Hollandish Gulden. And with profound respect I request the high officials of the States of Holland and West Friesland, and also the Court of Justice, to allow this order of mine not to be questioned, but to be accepted as perfect, and it shall stand for granted that a Testamentum Militare, Mucupation Legatum, Donatis Mortis Causa, or by which name it best should be known, is correct just as if all requirements, some of which I may not know, and for which the law of the land may ask, had been fulfilled.

If I should have made some other disposition before this one, it shall not affect this one, but shall be annulled. But I reserve for me as long as I live the right to increase, to diminish or to entirely annul the above, but meanwhile it shall stand as it is written down, until I dispose of it in another way. And it shall be expressly understood that Johanna von der Planken shall not open this missive in which I have put down my disposition in my own handwriting and affixed my own seal, and which I, myself, addressed; she shall not do this while I am living, if she wants to gain anything at all by it.

P. WIRTZ, U. S. A.

Datum, Gorcum, Dec. 28, 1672.

(The address reads as follows:)

Johanna von der Planken shall not be allowed to open this little letter while I am living; but after my death she may do so. If ever during my lifetime I should ask for its return, she is under the obligation to give it back.

(SEAL)

(Notarial acknowledgment in Latin.)

DIETRICH MOLLER,  
Notary Public (Imperial).

1677, 27, in Hamburg 4.

Soon after Paul Werz' death the housekeeper, Johanna von der Planken, produced a testament acknowledged by a notary public, in which, with acknowledgment of the testament of 1672, she was constituted his "exclusive heir," charged with quite a few legacies. (See Exhibit II.)

The document above referred to as Exhibit II is in the words and figures as follows, to wit:

## EXHIBIT 2.

### IN THE NAME OF OUR LORD. AMEN.

Since my serious illness is increasing I am reminded of my mortality; I presume the hour is near when God taketh my soul away from its body; now then I, Paul Wurtz, Baron of Ornholm, resolve to make my last will and testament in writing, and I do it herewith in the following manner:

After my death my lifeless body shall be buried with Christian ceremonies in the Church of St. Michaelis, situated in Hamburg, and it shall rest there until that great day on which God designated to reunite body and soul.

And now I declare, that Major Hans. Peter Saurbrey shall have ten thousand Reichsthaler, which I bequeath to him on account of his bravery, faithfulness and honesty shown to me on many occasions.

To Ambassador Emanuel Telxera I bequeath one thousand Reichsthaler.

And I also bequeath to my agent, Mr. Egidio Henningsen, one thousand Reichsthaler.

To my steward, Rlievert Kerock, I bequeath one thousand Reichsthaler. To my valet, Hans. Georg Ludewig Walter, I also bequeath one thousand Reichsthaler.

And I also bequeath to my cook, Nicola Cao, one thousand Reichsthaler.

And then I bequeath to my four footmen and my coachman, all in all five persons, each one of them two year's wages.

To Mr. Bartholomes Zuntzen, Secretary of the Elector of Saxony, I bequeath one thousand Reichsthaler, which I had loaned him.

To the Hamburg Canonry I give a Portugloser instead of a Mark due it. I also bequeath to the Poorhouses of this city, including the Presshof, one thousand Reichsthaler.

I wrote a deed of gift to my governess, Johann von der Planken, about three years ago, which I handed to her in a sealed envelope with the address written on. I not only confirm and sanction its contents now, but I declare, proclaim and constitute her my sole heir to such an extent, that she shall have everything I possess, everything that is mine or may be called mine, to do with it just as she pleases, as if they were her own earned possessions, as they are mine now. But first she must pay all my debts, and what is spent for my burial, and also the legacies. And I declare, in view of my dying hour, that I did not inherit anything from my parents.

And finally I appoint herewith as executors of this, my last Will and Testament, the aforementioned gentlemen:

Major Saurbrey, Ambassador Telxera, and the agent Henningsen, and I request them all to see to it, that the testament is recognized and its requirements followed. At the same time I ask them to kindly oversee my burial.

This, then, is my last Will and Testament, which shall be valid, as no other testament or codicill, donatis causa mortis, shall be made.

In witness whereof I have signed my name with my own hand and affixed my seal, and I have asked the aforementioned witnesses to attest this on the outside with their signatures and seals.

This is done in Hamburg on March 21, 1676.

I, Joachim Biel, sign this in the name of His Excellency Field Marshall Paul Wurtz, as he has asked me to do. It is my handwriting but the seal of His Excellency.

His Excellency, Paul Wurtz, Baron of Ornholm, publicly testified to me and afterwards mentioned co-witnesses that this Document contains his last will and testament, and he asked us to attest this with our own signatures and seals. I do now sign this with my hand and affix my seal, Hamburg, March 21, A. D. 1676.

JOACHIM BIEL.

GIRDT BENTHE. (SEAL)

I, aforementioned Mathias, attest with my hand and seal.

Hans. Meyhauss as witness. (SEAL)

Jonas Wolff as witness. (SEAL)

I, Peter Floer, attest this which Girdt and several others have signed with my hand and seal, and I testify His Excellency Field Marshall Wurtz declared to me and the afore and after appearing witnesses, that this was his last Will and Testament.

Peter Kanzler, Hanns. Sohns. (SEAL)

I, Hanns. Heinrich Gottkens, attest this with my hand and seal.

And I, a known and sworn Imperial Notary and Citizen of this laudable city, whose name is signed last, do herewith testify that His Excellency the Baron and Field Marshall Paul Wurzen, while on his sickbed, told in articulate words to the honorable, respectable and highly esteemed persons, Gerdt Benthe, Benert Matthiessen, Hanns. Neuhuss, Jonas Wolff, Peter Floer, Peter Kenczler, Hanns Sohn, and Hanns Heinrich Gottkens, who are all citizens and inhabitants of this city, and also told me, that this Document (which was signed and attested by the eighth witness Joachim Blel, also a citizen and inhabitant of this city, in the name of His Excellency, because he could not do it himself on account of bodily illness) contained his last Will and Testament, and he asked the aforementioned gentlemen and friends and also myself to attest this with our own hands and seals. After the most esteemed gentlemen, Andreas Gevers and Steffin Einbeckh, had identified all of the witnesses, they attested with their own signatures and seals in my presence, and this was done *ans actionis contesta* in Hamburg in the testator's residence in the room situated towards the "Untersten Gassen-werts," on Tuesday, the 21 day of the month of March, between six and seven o'clock in the evening, anno Christi sixteen hundred and seventy-six.

DIETRICH MOLLER,

Notary Public, in Hamburg.

After the seven witnesses had acknowledged their signatures and seals, the testament was opened and confirmed. The latter part of the year 1676, or at the beginning of 1677, the President of the Chancery Court received through a certain person notice of the Wurtz Inheritance of over 100,000 reichsthaler in money and "jubeln" (probable jewelry), and at the same time it was alleged that a forged testament had been produced.

Through an Imperial decree of January 28, 1677, Count Windischgratz, the Ambassador of Bremen, was commissioned to investigate this case, and if it was found to be as alleged to confiscate the inheritance. (See Acts of Vienna 39, Diplomatic Correspondence in reference to the Paul Wurtz Inheritance.)

On February 13 and 25, 1677, Windischgratz reported, among other things, that the first Mayor Schulz and the Imperial Counsellor von Rondeck had been bribed by Johanna von der Planken, so there should be no "delatio wel inquisitio" (no contesting of the testament). Von Rondeck had received 1,000 reichsthaler.

It is very important to know that the bribery of von Rondeck can be proven by documentary evidence. The Archives of the City of Amsterdam contain an "Original Act" (document) of May 4, 1676, in which von Rondeck receipts for 3,000 reichsthaler in order to uphold the testament. (See Exhibit 3.)

The document referred to as Exhibit 3 is in the words and figures as follows, to-wit:

#### EXHIBIT 3.

(SEAL)

Amsterdam, 10th August, 1909.

Parish Archives, Amsterdam.

Mr. Hans. Escher,

Commissary of Police, retired, Essen.

Dear Sir—At the request of the Director of the Archives at Amsterdam, I have the honor to hand you annexed against C. O. D. the demanded copy regarding P. Wurtz inheritance.

According to the ordinations of this country, there has to be paid for fees and postage the amount of 6.25 florins in Dutch currency.

Yours respectfully,

(Signed) N. W. J. COORENGEL.

Copy of Extract from a separate loose Document kept in the Old Archives of the Parish of Amsterdam.

Notices of various certified and other deeds, regarding the inheritance of the deceased Field Marshal Mr. Paul Wurtz, which papers had been missing for many years, but which were later on, at the death of Mr. Boriel, Attorney General, former Secretary of this Chamber, found amongst his papers and taken to the "Orphan Chambers," where they were put into drawer 365.

No. 1. Original Will of Field Marshal Wurtz made privately in Hamburg on March 21st, 1676, in the presence of 7 witnesses and signed on the same day by Dieterich Moller, Notary at that place. The Will is made in the High-German language, but there is also a simple translation into Dutch attached to it.

No. 2. Original Deed of Indemnification from Hans, Dietrich von Rondeck, son of George Dietrich von Rondeck, Imperial Resident, made the 4th of May, 1671, privately at Hamburg, in favor of Johanna von der Planken, the only instituted heiress to Paul Wurtz, for sustaining his will, for which she paid to him the sum of rix-dollars 3,000.

No. 3. Original Will of Johanna von der Planken, made on January 29th, 1679—old style—before Simon Floris, Notary at Hamburg, and seven witnesses.

No. 4. Original Deed of Agreement in Concord between the guardians of Bertha (natural daughter to the deceased Paul Wurtz), on the one hand, and the heirs according to law to the inheritance of Wurtz on the other hand, signed Hamburg, March 7th, 1679, to which is annexed a certified translation into Dutch by Simon Floris, Notary at Hamburg, dated March 11th, 1679.

No. 5. Original inventory of some furniture and household goods found in the house of the defunct Wurtz, taken before Simon Floris, Notary at Hamburg, and witnesses, March 29th, 1679.

No. 6. Original inventory of the goods which came from Hamburg and were taken to the Exchange Bank at this place, and which had belonged to the Field Marshal Wurtz, described by Samuel Wijmer, Notary in this town, and witnesses, June 22nd, 1679.

No. 7. Private inventory of all the goods, effects, etc., left by Mr. Wurtz, which were found in 17 distinct cases and trunks which had been in charge of Albertus van der Vloot, and which had been placed by him in certain chambers in the Town-Hall, below the Orphan-Chamber, for and in favor of Bertha Wurtz, signed July 17th, 1679, by Mr. Blaanio, Secretary of the Orphan-Chamber.

No. 8. As above of what was found in two trunks brought over from Hamburg by Abraham von Ulenbrock, in the same Chamber, signed as foregoing, date: August 25th, 1679.

No. 9. (See Nos. 20 and 21.) Certified translation of the sentence passed by the Council at Hamburg, dated September 26, 1679, translated by Dr. Servaas, Notary at Amsterdam, dated January 23, 1692.

No. 10. Private statement and inventory of all goods and effects left by Johanna von der Planken, having been the only established heiress to P. Wurtz, signed by Albertus van der Vloot, Gabriel Floris and Philips van Eyck, as guardians of Bertha Wurtz, the minor left behind, daughter and heiress of Johanna von der Planken.

No. 11. Mandamus of Arrest by the Court of Holland, dated January 16th, 1681, deciding against the Orphan-Masters of Amsterdam.

No. 12. Authenticated copy of certain private Deeds of Agreement between Alida Hocque, maternal grandmother to Bertha Wurtz on the one hand, and the heirs according to law to the Wurtz inheritance on the other hand, signed at Hamburg 20-30 September, 1681, and attested by P. de Wit, Notary at this place, dated 22nd May, 1688.

No. 13. Mandamus of arrest by the Court of Holland, dated September 16th, 1682, with the clause of a Summons disposing against Alida Hocque, widow of Adrian van der Planken.

No. 14. Translation of a certified Power of Attorney from the Curators for the heirs to P. Wurtz living at Husum, to Claas Kemp, domiciliated at Hamburg, made February 13th, 1688, and on the 6th day of May, 1688, authentically translated by P. de Wit, Notary at this place.

No. 15. A further power of Attorney from the same to the same, dated August, 1691, and authentically translated by Dr. Servaas, Notary at this place.

No. 16. Mandamus of Arrest by the Council of Holland, dated November 13th, 1688, with the clause of Summons against Philips van Eyck and Cathalyn Copyn.

No. 17. Authenticated translation of the ratification of a certain agreement between Claas Kepme and Philips van Eyck, concluded May 14th, new style, in Amsterdam, signed by Ludwig Albert Junker, May 7th, 1688, and translated January 30th, 1692, by the Notary, Dr. Servaas, at this place.

No. 18. Same as above, ratification of the same agreement by Dorothea Knuth at Hamburg, signed 15th of October, 1688, and translated by the notary, Servaas, on January 30th, 1692.

No. 19. Authenticated copy of the Deed of Agreement and convention regarding the division of the inheritance of P. Wurtz, made October 22nd, 1688, before the notary, Jacobus von Ulenbrock, and witnesses, with surrender of voluntary condemnation.

No. 20. Authenticated translation of the sentence of the High Court

of Justice at Vienna in the case of appeal of the Wurtz heirs, pronounced July 27th, 1691, confirmation of the sentence of the Court of Hamburg, dated September 26, 1697, which has been mentioned heretofore, Sub. 9, as containing the original in the High-German language enclosed in it.

No. 21. Original appointment (Deed) upon the request of William von Eyck for which he went to law, 17 x br. (December 17), 1691, by which his request, to have the matter revised, was refused.

No. 22. Authenticated copy of a missive of interposition from the Emperor Leopoldus to His Worship regarding the Wurtz inheritance, written September 19th, 1691, in the Latin language.

No. 23. The same as above, to the Town of Amsterdam of the same date, also written in the Latin language.

No. 24. Translation of an authenticated power of attorney by the guardians of the minor children of Werner Johan Uffelman to Christian Hendrick Postch, in order to demand their position in the inheritance of the Wurtz succession, made October 26th, 1691, before the mayors and the Council of the town of Hamburg, and translated by Dr. Servaas, notary of this place, January 15th, 1692.

No. 25. Translation of an authenticated missive from the Burgomaster and the Council of the town of Husum to the gentlemen, inspectors and principals of the Orphan-Chamber at Amsterdam, written October 3rd, 1691, old style, and authentically translated by Dr. Servaas, notary at this place, on 12th of January, 1692.

No. 26. Copy of authenticated Deed of Surrender and division of the Wurtz inheritance through Phillips Van Eyck, who is married to Maria van der Planken, sister and successive heiress to Johanna van der Planken, who was the instituted heiress to the deceased, P. Wurtz, made January 30th, 1692, before the notary, Jacobus van Ulenbrock, and witnesses, containing likewise receipt in behalf of the Orphan-Principals with regard to the whole of the Wurtz inheritance, and approbation of the account of Abraham van Ulenbrock, the administrator.

No. 27. Distribution of florins 50,022:10 which had been kept in the Orphan-Chamber in conformity with the last mentioned Deed on February 7th, 1692, signed in his own handwriting by Abraham van Ulenbrock, the administrator.

No. 28. A short memorandum concerning the case Field Marshal Wurtz.

No. 29. Report from the Orphan-Principals to the mayor.

No. 30. Some old expired Deeds of Arrest and non-suits of same, insinuations, etc., which are no longer of the slightest value.

The hereafter mentioned Deeds and numbers deserve special notice:

Nos. 9, 20, 21, 26 and 27.

As per extract from the Thirty-fourth Register of the Orphan Court of the City of Amsterdam, folio 318, von Rondeck received also on May 4, 1676, a loan of 107,500 florins. (See Exhibit 4.)

The document referred to as Exhibit 4 is in the words and figures as follows, to wit:

#### EXHIBIT 4.

##### No. 2.

Extract from the 34th Register of the Orphan-Court of the City of Amsterdam, folio 318.

Albertus von der Hart, Gabriel Floris, residing at Hamburg, together with Philipp van Eyck, being legal guardians of Bertha, the eight-year-old daughter of Johanna von der Planken, produced on November 23, 1679, an inventory of Paulus Wurtz, etc., which was attested to by Arrion Floris, Notary Public, in Hamburg, on January 29, 1679.

First: There were a few pieces of furniture, the inventory of which was made in Hamburg on March 29 of the same year by the above named notary; this inventory and the testament of Johanna von der Planken, translated from the High-German into Dutch on March 11, 1679, by the same notary, were put together in the drawer.

Second: Twenty-eight chests and trunks having been brought over from Hamburg, of which Samuel Wagner of the same place, with a few witnesses, made a specified list on June 22nd, 1679, and which was also put in the drawer.

Third: A 4,000-florin bond issued by Otto Wilhelm von Beri, of Coln, on the 8th of March, 1664, and on which bonds some interest was in arrears .....4,000 Fl.

Fourth: A note for 1,500 florin given by Major Saurbrey, which also had interest in arrears; Major Saurbrey makes some claim against the note .....1,500 Fl.

Fifth: A note for 1,500 florin dated June 1, 1667, and given by Egidius Hennring at Hamburg, with interest in arrears .....1,500 Fl.

Sixth: A bond of 40,000 florin issued by the Holstein Government and dated at Goldorf, in the year 1633; interest on this bond about four years in arrears .....40,000 Fl.

Seventh: An order for the benefit of the Holland-States, which, according to the statement of aforesaid Johanna von der Planken, reached during her lifetime the sum of 32,000 florin, and which was put in a safe

chest and taken into custody by the owners of this chest.....32,000 Fl.

Eighth: A detailed account and guarantee for 17,000 florin for the benefit of the heirs of Heinrich Matthias.....17,000 Fl.

Ninth: A note for one hundred and seven thousand five hundred gulden in the name of the Imperial Ambassador Rondeck at Hamburg, dated April 26, 1658. This note had been passed at Hamburg, May 4, 1676, through Johann Hasselen; some of the interest was in arrears. There were some claims against it which were made by the Honorable Borse von Wavern and Elias West Mecest.....107,500 Gd.

Tenth: A sum of 10,157 florin in the name of Mr. Severa, Imperial Ambassador at Hamburg.....10,157 Fl.

Eleventh: Several buildings in Lubeck, encumbered with a few privileges not known to the Guardians, but which are defined in written missives, which are in the safety vaults and in custody of the officials of the Orphan-Court.

Twelfth: Seventeen chests, trunks and boxes in custody of the officials of the Orphan-Court, the inventory of which has been taken in Amsterdam on July 1, 1679, and has been put away in the drawer. This inventory contains (in the 8th register), besides other things, different memorandas and extraordinary matters of the Orphan-Court.

Thirteenth: Two chests and trunks brought over from Hamburg a short time ago and now in keeping of the Orphan Court, of which an inventory was made August 2, 1679, and which was laid away in the drawer and was registered with different memoranda and other extraordinary matters of the Orphan-Court in the 8th register, folio 3.

Fourteenth: Three bonds in the name of the Treasurer of this city, amounting to 10,000 florins.....10,000 Fl.

Fifteenth: A sum of money found in Hamburg amounting to...48,900 Fl.

Sixteenth: A note to the credit of Gerritt Bente, in Hamburg, amounting with the interests to 5,400 florins.....5,400 Fl.

Seventeenth: A bond of the Sexera, which at the settlement amounted with interest to the sum of one hundred twenty-six thousand and six hundred and sixty-six gulden and twelve stubers.....126,666.12

Eighteenth: An old carriage and other things in Hamburg sold for 86 florins 8 stuber.....86.8

Nineteenth: The aforesaid Albertus von der Vloot, Gabriel Floris and Philipps van Eyck also produced.

Twentieth: The original deed of donation written in High-German by the said Field Marshal at Gorcum on Feb. 28, 1672, in favor of the aforesaid Johann von der Planken and her daughter, which was laid away in the drawer, and also the testament of the Mr. Wurtz, which testament was drawn up at Hamburg May 21, 1678, by Johann Biel, in presence of the Notary Dietrich Muller and true witnesses, and these documents were laid in the drawer in presence of Abraham Uhlenbrock and H. Corver and Upplmann.

Twenty-first: On April 22, 1681, Abraham von Uhlenbroch declared, the aforesaid Johanna von der Planken, while living, had claimed, the sum owed by the Holland states, amounted to 32,032 florin and 3 stuber, but after a thorough investigation it was found to amount to only 21,000 florin 5 stuber, 10 Pf.....21,000 Fl. 5 St. 10

Twenty-second: The aforesaid Uhlenbrock found different notes for which parts of the above given sums had been used.

1 Note for 5,000 gulden on land owned by the city, dated February 1, 1680, but with "open name".....5,000 Gd.

Twenty-third: Another note of 5,000 gulden (Like above)...5,000 Gd.

Twenty-fourth: Another note for 5,000 gulden (Same as above).....5,000 Gd.

Twenty-fifth: Another note for 4,537 gulden 5 stuber (Same as above) .....4,537 Gd. 5 St.

(All four are laid away in the drawer.)

(Total 384,652 gulden.)

In another inventory produced by Philipp van Eyck April 12, 1695, there are more and better amounts, than the ones specified herein and the two sums alone amount to 114,162 gulden.

Mr. Middelman copied this inventory and it was then presented.

The entire total being .....545,439 gulden, 10 St. 10 Pf.

The proof of the bribery of Mayor Schultz cannot be proved in the acts. The sworn witness Umstock relates that during the night some large books were conveyed to the house of Mayor Schulz, and at the same time there was brought from General Wurtz' house to the house of Ægidius Hennings a chest with money, which the housekeeper Johanna von der Planken, shortly before her trip to Holland, had brought to Mayor Schulz' house. (Report of 1679, Vienna Acts 36, No. 79.)

In a legal report of a Hamburg attorney-at-law of May 9, 1677, it is stated Johanna von der Planken, with the help of von Rondeck, and by the advice of Johann Schulz, mayor of the same place, had assumed the inheritance as "curatoris." (Vienna Acts 39, Diplomatic Correspondence No. 1, Item G.)

It is also to be noted that the Hamburg court held back as long as possible from the adverse party to Johanna von der Planken, and also to the Imperial counsellor, the statements of the witnesses about the genuineness of the Wurtz testament. (Record of 1679, Vienna Acts 36, No. 79, Item C.) (Vienna Acts 37, No. 85; 36, No. 62; 37, No. 177, No. 187 and No. 227.)

By the direction of Count Windischgratz the inheritance was confiscated on March 29, 1677 (including a sum of 30,000 reichsthaler deposited with Ambassador Teixeira); the Notary Public, Johanna von der Planken, and also the steward of Field Marshal Wurtz, Sievert Kerk (who had been remembered with a legacy), were arrested, and all persons present at the drawing up of the testament had to testify under oath. (Statements Vienna Acts 38, 37, No. 121; 37½, No. 255. Item E. E. B1, 442 pp., Report of 1679.)

It is established that at the drawing up of the testament that there were present besides the Notary Public Moller, the Swedish resident banker, Emanuel Teixeira, Major Peter Saurbrey, Merchant Egidio Henning, Steward Kerk, Valet Walter and Johanna von der Planken. All of these persons are remembered in the testament. According to the foregoing extract of the register (Exhibit 4), Teixeira owed Wurtz 1,015 florin, and 126,666 florin, 12 stuber; Saurbrey owed Wurtz 1,500 florin and Henning owed 1,500 florin. It certainly is a strange coincidence that Wurtz' debtors should be present at the drawing up of his testament. Just before the finishing touch of the drawing up of the will some neighbors were called in to officiate as witnesses. These witnesses do not know anything about the drawing up of the testament. The majority of them only heard the field marshal cough, not speak, and only one claims that upon being questioned by the notary public whether this was his testament that he (Wurtz) answered "Yes."

One of the witnesses declares also that he was called in first after all the others had signed their names. The witnesses who were interested in the testament, especially Teixeira, declare the general had been fully rational, had himself given the contents of the testament to the notary public, and the testament had been afterwards read to him and he had confirmed it.

There were also three servants called to testify and they said the general had not been master of his senses when the testament was drawn up; he had spoken but very inarticulately. Two witnesses called in had refused their signatures because the dying man was unable to decide anything. Shortly before the testament was drawn up the dying man had not recognized a friend who visited him.

Now it is proven beyond doubt by the statements of the witnesses, and especially by that given under oath by Johann Biel, that the witnesses were not present at the time the general should have asked Johann Biel to sign the testament for him, and that the signature of Biehl was not written in the presence of the witnesses. (See Exhibit 5.)

The document above referred to as Exhibit 5 is in the words and figures as follows, to wit:

"Exhibit 5."

COPY OF VIENNA ACTS, 38 II. B1. 551.

The following person, who was present at the drawing-up of the last will and testament of Field Marshal Paul Wurtz, deceased, has, after previous admonitions and under oath, expressed himself as given in the following articles:

Question 1. Witness' name?

Witness, under oath, declares he is 55 years of age; that his memory is good; his name is Johann Biel.

Question 2. Being asked whether he was present at the drawing-up of the last will and testament of General Wurtz.

Witness declares he was present when the witnesses signed the testament but he did not help draw up the same; Aegidius Hennings had previously asked him to kindly step into the bedroom of General Wurtz and to sign in the General's name the testament, which the latter was ready to make, and which the General himself could not sign on account of his bodily weakness. Witness and Aegidius Hennings then stepped into the bedroom and Hennings told General Wurtz that the man was present who was to sign the testament in his name; to this the General replied "it was good." When on request of A. Hennings the witness



asked the General himself whether it was his wish and will that he should sign the testament in his name, the General answered "yes."

Question 3. Did everything that the witness states in the previous answer happen in the presence of the witnesses, who attested the testament?

Question 4. And who was present?

The gentlemen, Teixeira, Aegidius Hennings and Teixeira Junior; he could not remember whether Major Sourbrey was present or not.

Question 5. By whom was the witness asked to come into the house of General Wurtz?

The witness replied that Gerdt's people had asked him on the street on his way to work; they had done it in the name of Hennings.

Question 6. Did the witness know General Wurtz so that he was sure it was the General who sat up in bed?

The witness had seen him often in a carriage so he recognized him when in bed.

Question 7. Did General Wurtz tell him that he was ready to make a testament?

The witness answered in the negative.

Question 8. Did General Wurtz ask him to sign?

The witness refers to answer two.

Question 9. Who handed him, the witness, the testament for the signing?

Witness states he received the testament from the hand of General Wurtz.

Question 10. Who told the witness that the missive he had signed was really the testament and will of General Wurtz?

Witness took it to be the testament from the fact that it was laying on the General's bedcover and that the General handed it to him.

Question 11. Does the witness know whether General Wurtz was of sound mind and senses at the time this all took place?

Witness answers: "Yes, as much as he saw. After the testament was signed the General said twice to the woman sitting near his bed, 'Helena or Hanna, (he forgets which) 'give me a drink,' and he drank twice. And the General said also to the witnesses, 'Hurry on or it may be too late.' After the witnesses had signed the witness laid the testament before the General on the bed cover, and the General then said to the woman sitting near the bed she should write her name on it so that afterwards no one could ridicule her; then he put it in an envelope and sealed it, and the woman wrote her name on it and took it.

Hearing was held in the Court House, April 7, 1677.

Hieronymus Peterss, Clerk.

We, the Mayor and Counsellor of the City of Hamburg, make it known and testify that the aforementioned testimony has been given to us. In witness whereof we attach the printed seal of our city.  
(Seal.)

Latin translation: "By a special commission of the notable Senate of Hamburg, Peter von Kamp, the prothonotary, signs this document."

By the direction of Johanna von der Planken, who had meanwhile been released and set free, the Hamburg courts sent an issue to all who thought they had a claim on the inheritance (August 22, 1677) to be present at the hearing of the witnesses, this hearing having been demanded by Johanna von der Planken. (Report 1679.)

Many who thought themselves heirs came forward. Ingeborg Busch, wife of Kirutz of Helsingor (Denmark), and Herlige Teets, wife of Jansen of Amsterdam, and also the Imperial Attorney-General and the Hamburg Attorney-General took part in this law suit.

November 6, 1678, the court concluded to turn over the inheritance to Johanna von der Planken and in the meantime to allow her a yearly sum of 500 reichsthalers for maintenance.

At the beginning of the year 1679 Johanna von der Planken died; her testament is in the archives of Amsterdam. (See Exhibit 3.) The guardian of her daughter Bertha agreed on March 7, 1679, with the wife of Kirutz, that she surrender all her claims to Bertha for the payment of 15,000 reichsthalers and one-half of a Holstein bond for 16,000 reichsthalers. (Vienna Acts 37, No. 164 B, Original Act in Amsterdam.)

September 26, 1679, the Hamburg court decided "that Johann Kirutz, who in a brief of June 2, 1679, had proven that his wife, Ingeborg Busch, had a claim on the Field Marshal Wurtz' inheritance, in preference to the claims of Teets, Katharina Lobetantzen and others, had done enough, and these others should be rejected in contumacium (because the other one had a better right), and it should be acknowledged herewith that they should be

rejected and the agreement between the Planken guardians and Johann Kirutz should stand. (Vienna Acts 39, Special Volume.) There are also reasons mentioned which prove that the question about the legality of the Wurtz testament is still unsettled.

This judgment was confirmed by the Imperial Counsellor July 27, 1691.

In the Appellate Court the matter in reference to the Wurtz inheritance stands as was consented to *renuntiatio litis* by Margareth Leitzin, Katherine Lobetanz and Engelbert Heinrichs on November 4, 1683, and as for Teets, Wilhelm von Eyck and Dorothea Knutz it is acknowledged that the judgment passed by a former judge on September 26, 1679, is approved; that it was wrong to appeal it, and the judgment should be confirmed a quo in every detail; therefore Teets, Wilhelm von Eyck "*cum condemnatione in expensis nius instantiæ moderatione judiciali salva*," and also Dorothea Knuts should be absolutely refused; the expense caused by this intervention of course must be paid.

The asked for revision was rejected.

Great changes had meanwhile taken place with the inheritance. The city of Hamburg had in the beginning of April, 1677, seen to it that all and everything which had been confiscated by the Imperial Court was released and brought to the house of Mayor Meurer. (Vienna Acts 39, Diplomatic Correspondence 1, Item B.)

The Dutch resident Knysten had also energetically protested against the imprisonment of Johanna von der Planken and had caused her to be set free. It is evident that by his direction the General States took part in this matter by direct request made by the city of Amsterdam. (Document of the Imperial Attorney von Krampnich, September 21, 1678.)

Johanna von der Planken had asked her friends, gentlemen of Amsterdam, to act on her behalf and to protect her, etc. Resolutions were made of the General States of August 10, 1678, and the mayor and officials of the city of Amsterdam worked on her behalf and interceded for her frequently. (Vienna Acts 36, No. 8, B1, 360, No. 11, B1, 55.)

Threatening Hamburg with reprisals they demanded, on August 10, 1678, the handing over of the Wurtz inheritance to Johanna von der Planken. As has been stated before, this was done on November 6, 1678, as the protection of the Emperor was powerless. But this was not all; the handing over of the inheritance to Holland had been demanded September 24, 1678. The adverse demonstrations of Mayor Meurer and of Hennscken, a Hamburg gentleman residing in The Hague, were of no avail (November 15, 1678), as it was to be learned from their statements and affidavits that the testament was lacking very essential points.

The mayor and counsellors could not do otherwise than to seize some of the inheritance (more of which had come to light) and confiscate some of it. (Report of 1681, Vienna Acts 36, No. 79, Item C.)

New and final reprisals were threatened on April 28, 1679. Finally the city of Hamburg agreed to turn over the inheritance to the city of Amsterdam. The confiscated goods were transferred in twenty-eight trunks. Among the court documents there is a legally acknowledged inventory, which was made June 11 and 12, 1679, in Amsterdam. (Vienna Acts 41, No. 53, Bl. 104.)

In the archives of the city of Amsterdam there is a second inventory of June 22, 1679. (See Exhibit 3.) From a communication from the Hamburg archives (Vienna Acts 41, No. 53, Bl. 102), which is in accordance with the declaration of the Exchange of Amsterdam of August 22, 1679, it is to be seen that the articles, with the exception of very *valuable tapestries*, were sold for 9,737 florins and 3 stubers. (See Exhibit 6.)

The document above referred to as Exhibit 6 is in the words and figures as follows, to wit:

We, the Commissioners of the Exchange of the City of Amsterdam, make it known to everybody, that the noble and honorable Mayor and Council of the City of Hamburg, and the noble and most honorable Mayor and Administration Board of the City of Amsterdam, came to an agreement in regard to the Field Marshall Paul Wurtz' fortune, entrusted in the aforesaid city of Hamburg, in order to guard against some intricacies and perplexities.

The agreement is, that the above mentioned fortune shall be brought under seal to Amsterdam, an inventory shall then be made, then it shall be appraised and sold on the following condition; "it shall be handed over to the Exchange to be kept in trust for those to whom it rightfully belongs; and we shall give a receipt to the above mentioned Mayor and Council of the City of Hamburg, which will serve them as a guarantee."

The above mentioned Mayor and Council sent a duly immatriculated Imperial Notary by the name of Christof Greve with his assistant to Amsterdam to oversee this transaction, and these two report the arrival of the sealed and well taken care of fortune of the aforesaid Wurtz consisting of 28 boxes, trunks and chests, of which an inventory was taken, and which were then appraised, and sold at auction; the money derived from this sale amounted, according to the bill of sale, to the sum of 7,357 Gulden, which after deduction of the costs, was reduced to 6,875 gulden, 3 stuber; this was handed over to the Commissioners of the Exchange; they were also handed the finest tapestries in box five, which were not sold.

The Commissioners were also handed 149 gulden, 15 stuber, which had been found in cash in box twenty-eight.

The other monies shall be accounted for at the settlement by Abraham Vlenbroek, and also the bills of exchange sent from Hamburg and amounting to eight thousand, three hundred and ninety-five gulden, four stubers. All this was written down in due and correct form and the seller handed this document to the above mentioned Christof Greve; this document having been written in his and his assistant's presence and under their observations and which represents a real specification.

Now, therefore, we promise and give guarantee to the above mentioned Mayor, Council and Community of Hamburg, that everything of the Wurtz fortune sent over, and the monies derived from it and in keeping of the Exchange of Amsterdam, shall be kept for them who in future cite pendant have the best right to it and who prove this right by legal judgment.

In witness whereof one of the Commissioners of the Exchange signs this document in the name of the Board of Commissioners in Amsterdam on August 22nd, anno sixteen hundred and seventy-nine.

Heinrich Becker.

Besides this there was sent to Amsterdam in cash the sum of 9,850 florins or 8,395 florins, which was the rest of a debt of 30,000 florins owed by Teixeira, and of which sum 15,000 florins had been transferred to the wife of Kirutz.

But these are surely not all the articles and objects belonging to the Wurtz estate which have been transferred to Amsterdam. As early as 1678 Johanna von der Planken was taken to task by the attorney of the abintestates (heirs) for hauling away all the valuables. She answered to this: It was no hauling away on the quiet, as she had the best right to do what she did. The attorney of the heirs thus establishes the fact, without contradiction, that the plaintiff would not secretly haul away such valuable things and cash—that it had to be done by the deceased Wurtz' valets—as she had a right to take them. Here she admits that she had hauled away goods and cash which in sequestro had not been included. This part has been accepted atillissime. (Vienna Acts 38, 11 Bl. 169 Pg.)

It is also noteworthy that the representatives of Hamburg wrote November 15, 1878, to the General States that only a part of the estate had been confiscated.

And still more is disclosed by the fact that there are two more inventories in the archives of the City of Amsterdam. (See Exhibit 3.) One of July 17, 1679, stating that 17 chests and trunks had been put into a safety vault of the Court-house of Amsterdam underneath the orphan's vault by the guardian of Bertha Wurtz, and one dated August 25, 1679, stating that two strong trunks had been brought by Abraham van Ulenbroek from Hamburg and had been put in the same safety vault. (See Exhibit 3.) An extract of all these inventories has been recorded

in the Thirty-fourth Register of the Orphan Court of the City of Amsterdam. There is a copy of this with the papers for this lawsuit which had been compared with the originals in the year 1909. (See Exhibit 4.)

According to this extract there must have been at least 384,682 florins standing out in loans. Of this sum we have to deduct the 30,000 florins of Teixeira and 40,000 florins of the Holstein bond. (These sums and the 9,850 florins to the wife of Kirutz have been taken away, as stated before), but the aforesaid 9,650 florins must be added, which makes a sum of 324,482 florins in outstanding loans. That this extract was not complete is proven by the note at the end of the extract, which reads: "In other inventories given April 12, 1695, by Phillip von Eyck, there are yet many more specified amounts, which in two lump sums amount to 114,162 florins."

These inventories also state that some buildings in Lubeck—there should have been 17—were owned by the deceased. The proofs were evidently in the two trunks which Ulenbrock had brought to Amsterdam (Article 11 of the extract contained in Exhibit 3). The objects of value which had been brought to Amsterdam were deposited at the Exchange there. Among the papers for this lawsuit there is a notarial acknowledged copy of a record of August 22, 1679 (see Exhibit 6) which contains the following remark about the obligation agreed to by the City of Amsterdam: "May all know, that the noble and respectable Mayors and wise counsellors of the City of Hamburg.....made the agreement with the noble, greatly respectable Mayor and officials of the City of Amsterdam that the aforesaid possessions and goods must be brought sealed to Amsterdam, an inventory to be taken, then said goods to be taxed for their value and to be sold with the understanding that this shall be done in Amsterdam in behalf of those to whom it rightfully belongs, and should be deposited in the Exchange."

From this record is also to be seen that more sums came in question, for it says: "The other monies shall be accounted for by Abraham von Ulenbrock at the day of settlement." At the conclusion the following declaration is made:

"Therefore we promise the aforesaid Mayors, Counsellors and Community of the City of Hamburg and guarantee for the future in behalf of the turning over of the Wurtz properties and monies which are derived from those and which are deposited in the Exchange of Amsterdam, shall remain there for those who in future *lite pendante* have the best claim to it and to whom by right it should go by means of a judgment."

In accordance with a petition made by the guardians of Bertha von der Planken and by an order of the States of Holland, on December 1, 1679, the estate was brought to the Orphans' Court. This order contains the following clause: "The inheritance cannot be considered 'changed' by this transfer. It retains its original properties as it remains subject to the guarantee." (This record has been shown during the lawsuit of 1848 to 1863 in Amsterdam. The original document is now held by the City of Amsterdam. This knowledge was taken from a record of a lawyer, Taunay, in Amsterdam, German, Koln. 1853, S. 46, Pg.)

By decree of the Orphan Court of June 30, 1679, Abraham von Ulenbrock was appointed guardian of Bertha and co-administrator of the estate. (Vienna Acts 36, No. 50, Bl. 274.)

The archives of Amsterdam contain different inventories of the possessions of Bertha which were taken by the guardians, Albertus von der Fleet, Gabriel Floris and Phillip van Eyck. (See Exhibit 3.)

Bertha died in 1680. As her heirs there appeared her grandmother, Alida Hocque, widow of Adrian von der Planken (Attestee Vienna Acts 36, No. 7, Bl. 515), and after her death her aunt, Maria von der Planken, wife of the guardian, Phillip von Eyck.

It may be mentioned here that in 1688 a lawsuit had been entered

from Vienna against the perjurers, out it was dropped after a communication from Imperial Officer von Godden. (Vienna Acts 37½, Nos. 268 and 271.)

Before the lawsuit in Vienna was finished agreements had been made with all adverse parties, with the exception of the wife of Jansen nee Teets (these documents are partly with the Vienna records, but the greater part are in the archives of Amsterdam; they are quoted in a document of discussion before Jacob von Ulenbrock January 30, 1692), according to which one-third of the estate was to go to these "pretenders." As everything pertaining to Mrs. Kirutz had been settled, there remained, after the matter had been adjusted in Vienna, as only known heir, Mrs. von Eyck nee von der Planken.

When, after the rejecting of Herlig Teets, the sentence of imprisonment was cancelled (communication to the City of Hamburg, the Court of Holland and the City of Amsterdam, Vienna Acts 37½, No. 296, Archives of Amsterdam, Nos. 22 and 23, Item 3), it would have been possible to pay out the inheritance.

The following fact is very strange: At the resquest of the attorney of Mrs. Kirutz to ask the City of Hamburg to turn over the inheritance and to nullify the sentence of imprisonment, it was ordered on September 19, 1691, "*Fiant petitiones requisitionales.*" (Vienna Acts 37½, Nos. 295 and 296.)

Among the acts is nothing to be found but an outline for this solicitation from Hamburg. In spite of this there was also such a request made to the City of Amsterdam and the original document is in the archives of Amsterdam. (See Exhibit 3.) Strange influences must have been brought to bear, for the way this matter was handled was so striking that it was mentioned very conspicuously in the report of 1771 and the co-report of 1775. (Vienna Acts 39.)

In a report of January 30, 1692 (original is in the archives at Amsterdam; see Exhibit 3), the record has been shown in Amsterdam.

I am in possession of more extracts from the aforesaid legal report of Lawyer Tauney in Amsterdam. Phillip von Eyck declared before Notary Jacob von Ulenbrock that after the issue of the judgments of 1679 and 1691 and the agreements with the pretenders, and after the inheriting of Alida Hocque, that his wife was the only heir and he demanded the handing over of the inheritance.

Steward Abraham von Ulenbrock declared openly, in the same record, that he was convinced (according to what had been heard before Notary Jacob von Ulenbrock) that Phillip von Eyck as successor in trust of the testament of Johanna von der Planken was entitled to the Paul Wurtz estate and that besides eight bonds to the amount of 20,922 florins he had found there was yet to be accounted for what was recorded in the 35th register, on folio 101, amounting to 50,022 florins. Philip von Eyck declares then he would very humbly request the Orphan Court cause to be turned over to him, besides the twice-mentioned 150 reichsthaler, also the remaining two-thirds of the amount of 50,022 florins and 10 stuber, and he promised to keep them free from any costs and charges; to be responsible for all exhortations, pledging all his present and future possessions, thanked them with deepest devotion for their given care and superintendence, at the same time giving thanks to Abraham von Ulenbrock for his good management as steward of the estate whose report stated everything from the day he took charge until today (which was examined thoroughly and found correct), so that no blame whatever could be put on him. The rest of the heirs gave the same promise. February 7, 1692, two-thirds of the sum was paid to Phillip von Eyck. (Record in the Archives of Amsterdam, No. 27, Item 3.)

Some of the other heirs refused to accept the sums due them according to the order of January 30, 1692, and they entered a lawsuit against von Eyck at the High Court in the Hague. It came to a compromise on March 18, 1695, and von Eyck handed in a new inventory (April 12,

1695), which is mentioned in the registers of the Orphan Court. (See Exhibit 4.) Besides the value of 17 buildings in Lubeck, this inventory amounts, outside of goods and bonds not specified to, to about 160,000 florins. (Record Taunay, S. 58, 60 and 72.) A final report of the Orphans Court was then sent to the Mayor of Amsterdam, the date of which is not known, but which is in the archives at Amsterdam, and which gives important information. (See Exhibit 3.)

A distinct change in the matter is caused by the sudden appearance of more heirs, ab intestato.

Even before passing of the judgment of July 27, 1691, more heirs came forward. Their taking part in the lawsuit, however, was refused. (Vienna Acts 37½, Nos. 286 and 290.)

Elizabeth Boushen, Mrs. Wurms, Sibilla Boushen and Mrs. Molls traced their genealogy back to the mother of the deceased Paul Wurtz. Through a notary they presented their papers (especially their family tree) to the Orphan's Court in Amsterdam and a decision was procured. (See Exhibit 7.) (Legalized translation Vienna Acts 37½, Bl. 86, in which the Orphan's Court declares it would recognize the known heirs at the settlement of the estate and all others would be rejected. As for the stolen and confiscated valuable possessions belonging to the estate the parties concerned were in favor of a setting aside of the decision referred to Vienna.)

Exhibit 7 is in the words and figures as follows, to wit:

Exhibit 7.

Sententia. (Verdict.)

In behalf of Peter Wurms married to Elizabeth Bouschen and Heinrich von Moll, married to Sibilla Bouschen, pretending to be heirs ab intestato of the Wurtz inheritance by an insinuated family tree versus Agnes, Magareth, Christian Bouschen, et al, all and everyone claiming to have an interest in the said Wurtz inheritance, the honorable President and Assessors of Orphan-Court of the City of Amsterdam, by virtue of their noble office; the above mentioned Peter Wurms married to Elizabeth Bouschen and Heinrich Moll married to Sibilla Bouschen, next heir ab intestato, of the Wurtz moveable and immovable possessions, and declare that these heirs are to be considered heirs by written law, and all others are to be refused and they set for terminum extraditionis a day one year and six weeks from this date. In regard to what was stolen and taken from this inheritance by fraud and power, the noble and honorable gentlemen refer the above mentioned heirs to Vienna in order to have the verdict set aside, which was, for want of heirs, in favor of the concubine, so that they as heirs could get their fortune.

This verdict was rendered in Amsterdam, Wednesday, the 11th day of July, 1696.

From the Commission of the rulers, the President and the Assessors.  
F. VALKENIER.

J. HOPP, Secretary.

This translation from Hollandisch into German agrees with the original and is hereby attested in writing with proper seal.

JOES GERARDUS WEISHEIM,  
(Apostolic Imperial Notary Public)

The heirs referred to in the foregoing Exhibit 7 caused on December 13, 1701, Philip van Eyck to be summoned before the Imperial Court, and when he died shortly after the summons had reached him (January 8, 1702) his children, Berta and Nikolaus van Eyck, were summoned in his stead. (Vienna Acts 37½, Bl. 56 and 58.)

Shortly after this there appeared heirs descended from the father's side of Paul Wurtz and they procured from the court of Holland, February 9, 1707, a sentence of imprisonment, which was forwarded to the Orphan's Court and also to the Van Eyck heirs. (Vienna Acts 41, No. 53, Bl. 130; 37½, Bl. 65, 128-132.)

The entire matter then rested until 1769. The heirs descending on Paul Wurtz' father's side (the Wurtzes) and also on the mother's side (the Baushens) demanded a "general summons," and this was issued November 16, 1771. (Vienna Acts 40, No. 33, Bl. 29.) All heirs who could trace their descent back to Johann Wurtz and Franz Busch were summoned under penalty of exclusion.

This summons was officially published in the following:

1. In the "Frankfurt Kaiserl Reichs Oberpostants Zeitung," Nos. 25, 28, 31, of February 14, 18, 24, 1772. (Vienna Acts 40, Nos. 14, 15, 20, 33.)

2. In the "Kaiserl Oberpost-Zeitung Coln" of February 4, 11 and 18, 1772. (Vienna Acts 40, Nos. 20, 24, 28.)

3. In the "Kaiserl priv. Hamburg Neuen Zeitung" of February 19, March 31 and April 28, 1772. (Vienna Acts 40, Nos. 15, 52, 68.)

A great number of persons interested came forward.

On December 16, 1774, the Imperial Court issued a summons that all Wurtz heir-pretenders, who had so far not appeared with their claims, were now excluded. (Vienna Acts 41, No. 50, Bl. 81.)

As early as 1707 and 1708 a summons had been sent to the Van Eyck heirs. This summons was to be repeated in 1771, but the General States refused to deliver the summons. Another summons was tried on December 16, 1774. The continuance of the law suit, however, was frustrated, as a delivery of the summons in Holland could not be obtained in spite of another request on September 4, 1775, which summons also contained a demand to produce the inventories of the Wurtz estate.

The report in the "Rheinisch-Antiquarius" (Strassburg, Rhein Antiquarius, Mittsrlheim 1 Abt. Band 3, Coblenz Stadt-dritter Band, Coblenz 1845) contains the following notice:

"That in the year 1775 the Amsterdam Orphan's Court had sent a deputy to Ehrenbreitstein in order to come to an agreement in reference to the inheritance in question, that negotiations had been entered into, but they had not led to an agreement or compromise."

Then the matter again comes to a stop, until in 1826 a party concerned (Knopp of Coblenz) tries again. The Emperor had also tried to exert his influence in a diplomatic way. Application was made to the Ambassador of different States; but in every case the applicant was told to proceed in the "legal way."

May 18, 1848, Caspar Wurtz entered suit in Amsterdam against the commissioners of the former Orphan's Court of the City of Amsterdam and demanded a specified accounting and payment of the amounts then at hand; suit was also entered against the City of Amsterdam and compensation demanded for the costs, damages and interest which had been caused by the Orphan's Court and its successor through incorrect discharge of duties in regard to the main claim. (Proposition in the decision of July 1, 1871, is contained in Exhibit 10.)

A number of interested persons, who are named in the decision, entered into this law suit March 5, 1852. In a royal decree of September 14, 1852, the commissioned representatives were discharged and in their place was appointed "The General Commission for Liquidation of Affairs of the Former Orphan and Guardian Courts," and this commission was stationed at The Hague.

By the decisions of December 30, 1863, June 1, 1871, and January 3, 1873, the law suit was rejected. (See Exhibits 9, 10 and 11.)

The decisions are based on the ground that, regardless of legal points involved, the forgery of the Wurtz testament has not been proven.

The particularly well rendered decision of the Provincial Court of Northern Holland points in detail to the following: "The proof of the forgery of the testament has not been proved according to the rules of Article 176 of the Civil Code."

The reasons which are given for the annulment of the testament do not hold good; it is permissible to have a testament signed by the "octarus subscriptor"; it was not necessary that the request for this signature should be learned directly from the testament itself. It has not, contrary to legal attestation, been proven by the statement of the witnesses, whose qualifications were questionable, that the deceased Wurtz was unconscious.

at the time the testament was drawn up; and it would not matter that two witnesses failed to use their own seals.

The decision of the Orphan's Court of 1696 (provided it was not a forged decision) did not contain a decision about the validity of the testament or the exclusion of the von der Planken heirs.

The decisions of Hamburg of September 26, 1679, and Vienna of July 27, 1691, also ignored the question of the validity of the testament; they really left this question open.

If a law suit had been entered against the forgers nothing was proven, as the result did not hold good. The last reason given that Johanna von der Planken had been the concubine of the deceased Wurtz and the testament therefore would not be legitimate and the estate would have to go to the intestate heirs is weak; it is not evident whether, according to the Hamburg law, the intestate heirs or the fiscal received the inheritance. And it was not proven either that Johanna von der Planken had been the concubine of the deceased Wurtz; the use of such a word in an imperial summons did not suffice. It should also be remembered that, according to the law of March 5, 1852, the Board of Commissioners had been appointed for the settlement of the inheritance which had been held in trust by the Orphan's Court. According to Article 8 of the law a "Summons to Heirs" has to be published in an official newspaper. The confiscation of the inheritance and its seizure by the government depends on these summons. *These summons of the Wurtz heirs has not taken place.*

The Board of Commissioners had also written to the Ambassador of Austria in 1868 that they had never received one penny of this inheritance. So it is readily seen that the inheritance was no longer with the Orphan Court, and therefore the law of 1852 COULD NOT BE APPLIED TO IT IN THIS CASE.

Exhibit 8 is in the words and figures as follows, to wit:

Exhibit 8. Mandatum arresti. (Warrant of Arrest).

The President and Counselors of Holland, Seeland and Friesland give greetings:

By lawyer Johann Sebastian Gruben and Peter Evertz, both having been authorized and empowered by all relatives on father's side of the former Field Marshal Paulus Wiertz, who died unmarried in Hamburg in 1676, and by different friends on father's and mother's sides, it was made known to us, that the fortune of the above mentioned Paulus Wurtz had been brought to the Orphan-Court in Amsterdam; that a certain Philipp Van Eyck, and many other persons, who showed papers qualifying them as the nearest friends and heirs ab intestato on the above mentioned Paulus Wurtzen's mother's side, had been bold enough to ask the Board of the Orphan Court of Amsterdam to hand to them the Field Marshal's movable possessions, which were in custody of the Orphan Court.

We also were told, the petitioners had heard, that the above mentioned Board of the Orphan Court had handed out to the guardian Philipp Van Eyck and associates, several of the aforesaid possessions, but that some more possessions, belonging to the Field Marshal Wurtz' inheritance, were still in keeping of the Orphan Court, and the petitioners representing all friends and heirs ab intestato on the Field Marshal Wurtz' father's side, were without doubt entitled to these possessions.

The petitioners had tried very hard to get hold of these possessions, which were still in keeping of the Orphan Court of Amsterdam, but it had been in vain.

The petitioners fear now the guardian Philipp van Eyck or somebody else might, to the disadvantage of the petitioners, take a hold of these before mentioned possessions; therefore the petitioners come to this court (as they say) asking our support as highest authority and as their attorney to confiscate these said possessions, which are in keeping of the aforesaid Orphan Court, and which belong to the inheritance of the aforesaid Field Marshal Paul Wiertz.

And after this has been done, this court should explain to the Officers of the Orphan Court, to the guardian Philipp van Eyck and to all others involved in this matter, that the petitioners, whose qualifications have been acknowledged in consequence of a sentence of this Court are entitled to all the aforesaid movable possessions of the above-named Field Marshal Paul Wurtz's inheritance, which are now in keeping of the aforesaid Orphan Court; and this Court should also command the Officers of the Orphan Court to deliver to the qualified petitioners all the fineries and the under oath attested inventory of Notes, belonging to the aforesaid inheritance of the aforesaid Field Marshal Wurtz, and also to hand



over to the qualified petitioners all movable goods and possessions belonging to the aforesaid Paul Wurtz's inheritance, with all the gain and profit so far derived by it, or which could have been derived by it, or which may be derived by it while the suit is pending. And last of all this Court should command the aforesaid Phillip Van Eyck and his associates to follow these orders; in default whereof the confiscation would stand, and a hearing would be set for a certain date, when the opponent or opponents, or their attorney, should appear before this Court, in order to hear these orders and then to state whether they are willing to follow the ruling of the court or whether they intend to go into further proceedings. And because some of Philipp Van Eyck's associates do not live in Holland, you must give notice to them by letter, stating the cause, at a point of the boundary line of this country nearest their home, or to their agents and managers of their properties, which should happen to be in this country, so if anyone who would wish to accept their notice and had not heard of it through public proclamation, could not say they did not know of it. If notice is given in this way we shall consider it the same as if notice had been given to the people themselves.

Dated in the Hague, 9th of February, 1707.

(SEAL) By order of the President and the Counselors of  
Holland, Seeland and Friesland.

L. S. RAVEN.

Exhibit 9 is in the words and figures as follows, to wit:

"Exhibit 9."

No. 187.

(246) Jan Caspar Wurtz, at the time employee in the factory of van Vlissengen & van Heel, residing in Amsterdam, Oostenburg, recognized rightful son of Willebrordus Wurtz, rightful son of Engelbertus Wurtz, half brother of Paulus Wurtz, in his lifetime Baron of Ornholm, Field Marshal in service of the former Republic of the Netherlands, PLAINTIFF:

A Summons of May 5, 1848, was delivered through Bailiff F. Goldsmid, whose office was named as the place of hearing; Dr. E. J. Asser appeared as attorney for the complainant.

versus

A. J. Hengen, farmer, living at Hulsberg, county of Meerssen, and his wife, M. G. Hengen of Sittardt, province of Limburg, and J. W. Abelausen, tailor.

(249) Complainant summoned by subpoena of Bailiff W. F. Weert, dated Oct. 12, 1857, and recorded Dec. 16, 1857; the office of W. Snock was named as place for hearing. W. Snock, a resident of Amsterdam on the Achterburgwal, appearing as attorney.

and versus

Peter Derichs, farmer, residing at Mellich, county Roermond. Second party appearing before Attorney F. E. Dammers.

Furthermore versus

J. M. Ulrich, M. A. Wormbs, Elizabeth Wormbs, J. C. Wormbs, A. Wormbs, and A. A. Wormbs, all living at Poppelsdorf, and also A. S. Bunnagel, J. Bunnagel and C. Bunnagel, living at Ginnich.

Others who were summoned by above mentioned summons appeared through Attorney J. G. Kuhn.

And also versus

F. A. M. Wormbs, living at Poppelsdorf, who was also summoned by the above mentioned summons, appearing through Attorney J. van Praag;

And also versus

(248) "Board of Commissioners for the Liquidation of the Affairs in behalf of the former Orphan's and Guardian Court of Gravenhage," as representatives of the "Commissioners for the Liquidation of the Affairs of the Former Orphan Court of the City of Amsterdam," summoned through the aforementioned summons, appearing by Dr. J. H. van Eys.

And last versus

The community of Amsterdam itself, represented by its Mayor, summoned through the aforementioned summons, appearing by Attorney Dr. W. Luleer, Jr.

THE COURT,

After having heard both sides:

Relying upon the conclusion of the Department for public affairs which points out the original plaintiff and fellow plaintiffs, should by decision be declared non-recipients and their demand should be denied and they should be fined to pay the costs.

After examination of the papers:

In consideration of the fact that the original complainant states he is a descendant of a half brother of Paulus Wurtz, who was during his lifetime Baron of Ornholm, Field Marshal of the former Republic of the Seven United Provinces, and who died in Hamburg on March 21, 1676,

unmarried and childless; that his corpse is buried in Amsterdam, and the former Orphan's Court of this city took charge of the management of his Estate; that on account of this management some differences arose in the beginning with the city of Hamburg, which however were peaceably adjusted; that regarding them an agreement was made, in consequence of which the possessions belonging to the aforesaid estate were brought to Amsterdam in order to be turned into money and paid over to the heirs; that, however, at the death of Paulus Wurtz there was a concubine by the name of Johanna von der Planken in his house, who falsely asserted the fortune of the Field Marshal had been given to her by a testamentary direction of Wurtz; she furthermore asserted her daughter Bertha was begotten by Paulus Wurtz and her; that a certain Peter Wurms, married to Elizabeth Bouschen, and Heinrich Moll, married to Sybilla Bouschen, both daughters of a great uncle of the deceased, had caused the heirs of Johanna and Bertha von der Planken, meanwhile deceased, to be summoned before the Orphan Court in Amsterdam, which Orphan Court, by a decision of June 11, 1696, recognized the aforesaid complainants as the only rightful heirs to the Wurtz inheritance and excluded all others and the heirs of Johanna von der Planken; that he, the complainant and descendant of the aforesaid Peter Wurms and Heinrich Moll (who were originally summoned under No. 3), came to a friendly agreement in order to test the legality of the decision, and he summoned, by a recorded summons of May 15, 1848, the Commissioners who were charged with the liquidation of the affairs of the Orphan's Court at Amsterdam, to answer for and to give accounting of their management of the aforesaid inheritance and to pay the balance remaining to him and furthermore to give account of the actions of the former Orphan Court and pay damages in case of non-payment; that the original first defendant (those who were charged with the liquidation, etc.) by a rejoinder questioned the demand of the plaintiffs for this reason, that the first plaintiff had not proven his qualifications as a legal heir of Paulus Wurtz; that the question who was the legal heir ab intestato of Paulus Wurtz was superfluous as Wurtz had left a legal testament when he died in which he named his heirs; again the suit was without foundation because these summoned persons, as well as their predecessors, who managed the Wurtz inheritance, turned over in 1692 this inheritance, which had been given into their keeping; that the Field Marshal died in 1676 in Hamburg and left a testament in which he named his housekeeper, Johanna von der Planken, his sole heir, and she, at her death, through testamentary disposition, made her only daughter, Bertha, her heir; that after the death of Johanna von der Planken some effects belonging to the estate of Paulus Wurtz had been brought from Hamburg to Amsterdam under the care of the Mayor of that city, as administrator of the inheritance of Johanna von der Planken, and had been deposited in the Exchange, from whence they were taken to the Orphan Court of the city of Amsterdam in compliance of a request by the guardians of Bertha and by virtue of a judicial decision of the States of Holland and Friesland, dated Dec. 1, 1679; that shortly afterward, in 1682, Bertha died and different persons had put in their claims to the inheritance; finally, in consequence of a decision of a duly authorized Judge at Hamburg, dated Sept. 26, 1679, which decision was upheld by a decision of the Imperial Court in Vienna, and after the requested revision had been rejected by judicial order of Dec. 17, 1691, and the difference, caused by this matter had been adjusted, the inheritance, by order of the Orphan Court of Amsterdam (as stated in a record of Jan. 30, 1692), was turned over to them, who by this decision were declared to have a right to it; that therefore the plaintiff, even if his qualifications as heir were proven, would have no right to ask the defendant to answer for and give account of the inheritance of Paulus Wurtz; wherefore the defendant prepared a declaration of non-reciprocity and also the dismissal of the suit with the costs.

(253) In consideration of the fact that the second defendant (Amsterdam) by a decision did not allow the plaintiff to prove his qualification as an heir, and furthermore asserted, every part of the Wurtz inheritance which had come under the management of the Mayor of Amsterdam had been paid out to them who had a right to it.

In consideration of the fact that, by a Royal Decree (Sept. 14, 1852, States News, No. 163) which served the purpose of fulfilling the Law of March 5, 1852 (States News No. 45), former local commissioners came forward and then ceased to exist October 1, 1852; in consequence of which the lawsuit waging between the parties was suspended by a recorded decision of this Court of June 20, 1854.

In consideration of the fact that the newly appointed "General Board of Commissioners for the Liquidation of the Affairs of the Former Orphan and Guardian Court," in consequence of a summons delivered to them by request of one of the parties, furnished an attorney with the special reservation of discharge which is evident from article 8 in the last chapter of the Law of March 5, 1852. (No. 45.)

(254) Whereupon, by a recorded decision of this court dated April 3, 1857, and by a summons entered next to it of date May 15, 1848, the lawsuit entered by Jan Casper Wurtz was declared to be reopened.

In consideration of the fact that Peter Derichs, by a petition of June 15, 1857, asked to be permitted to become a party to this suit on the ground that he was interested in it as an heir to Paulus Wurtz; 1st for

himself as a descendant of the Field Marshal's grandfather, Conrad Paulus Wurtz; 2nd, as representative of Anna Maria Lottger, descending from Johanna Bauschen, great grandfather of the deceased on the mother's side; 3rd, as representative of Carl Fischer, who says he descended from the father of the deceased by his first marriage.

In consideration of the fact that Arnold Joseph Hengen and J. W. Abelshausen also sent a petition to the court on Oct. 12, 1857, to allow them to become parties to this law suit, stating as a reason for their interest that they entered in the right of, 1st, Peter Spoken, descending from the deceased's father by his first marriage; 2nd, of Hermann Joseph Wassemeyer, descendant of the deceased's great grandfather on mother's side, and, 3rd, of Anna Maria Gentz, wife of Mathias Odenbach, descendant of deceased's grandfather of father's side, Conrad Paulus Wurtz; that, by entered decisions of this court, Oct. 20 and Dec. 16, 1857, the aforesaid petitioners are admitted as second party until the final decision with the reservation of the costs; that the second party, Hengen and Abelshausen, in their complaint referred to the same grounds to which the original plaintiff had called attention, and they added, the Mayors of Amsterdam, in their qualification as executors of the testament of Johanna von der Planken, reclaimed the inheritance of Paulus Wurtz from the Hamburg administration, in which city the inheritance was sequestered by order of the German Emperor, and, on refusal of the Hamburg administration to give up the said inheritance, the States of Holland and Westfriesland threatened a war unless the inheritance was turned over to them; in consequence of which Hamburg bound itself by a treaty to turn over the said inheritance on the condition that it should not be deposited in the Exchange of Amsterdam as the inheritance of Johanna von der Planken, her daughter and heirs, but as "Opussus habere- (256) timm"; that by a decision of the Orphan Court of July 17, 1696,

Peter Wurm and Heinrich Moll have been recognized as the ones who were entitled to the inheritance, and all others were excluded, especially Johanna von der Planken and Bertha and their heirs; and by which decision the forging of Paulus Wurtz's testament, produced by Johanna von der Planken, is expressly acknowledged, and at the same time his heirs ab intestato are recognized exclusively as having a right to the inheritance; that the summoning of the first defendant (the General Commission Board), in consequence of a so-called verdict of Jan. 30, 1692, means nothing because the aforesaid judgment of the Orphan's Court (by which Johanna von der Planken and associates are excluded) is dated July 11, 1696, a later date than the exoneration; from all these reasons the second party, Hengen and Abelshausen, petitioned that the court would declare them heirs to the Wurtz inheritance and condemn the General Commission Board and bid them answer and give account of the former Amsterdam Orphan Court's management of the aforesaid inheritance to them and the original plaintiff and to them who originally stood for the right (verweerders) that is, inasmuch as they should be declared legal heirs of P. Wurtz, and they should do this—either of their own free will or in the presence of a judicial court commission; they inferred, furthermore, that the Community of Amsterdam should be held responsible for the actions of the former Orphan Court and the General Commission Board in order to guarantee for them, without being allowed to refer, in their own stead, to the law of March 5, 1852; that the Community of Amsterdam should be held responsible for all costs, damages and interests, to which the General Commission Board might be sentenced in case of not complying with the decision; and, lastly, they petitioned that the third, fourth and fifth defenders (verweerders) should be obliged to examine with them, the second parties, the taking up of the demanded accounting and to take charge of the balance, and this with the understanding, to sentence those parties who would oppose their demand, to pay the costs of the lawsuit.

In consideration of the fact that the second party, P. Derichs, referred in his complaint to the same reasons as were given by the original plaintiffs, and he also mentioned that of all the legal heirs the descendants of the deceased's half brother and half sister should—with exclusion of more distant blood relatives—come first in their right to the inheritance; and because his forefathers belonged to these, he inferred the plaintiff would surely declare him, with exclusion of all others, to be entitled to the Wurtz inheritance, and he inferred the first defendant would be sentenced to give account to him, the second party, and to pay out the balance, etc.; and he inferred further, even if the court should hold that the descendants of the father's line and of the mother's line be entitled to the inheritance, the asked for decision would be in favor of him, the second party, as well as in behalf of the defenders, who shall be recognized as heirs by this same decision.

(259) In consideration of the fact that the first defendant (the General Commission Board) in two different conclusions, in reply to the intervention, disputed the assertions of the different second parties (most likely on account of the same reasons, which were set against the original complaint), denying at the same time that the former Orphan Court could have known of the forgery of Paulus Wurtz' testament, least of all the decision of June 11, 1696, to which they refer, because this will was forged and substituted, as the former Orphan Court had no right to pass any sentence and never did; that the first defendant asserted, even if the testament was forged and the second party were the nearest legal

heirs they could not demand recovery from the former Orphan Court or its successor, the General Commission Board, because the authentic documents state that all possessions belonging to the inheritance of Johanna von der Planken had been given into the custody of the Orphan Court to remain there until all suits and proceedings at law were ended, or until an agreement or compromise had been brought about, to really pay the right heirs after all differences had been settled by a last decision of the highest court at Vienna; that, lastly, this defendant, in every case and according to Article 8 of the Law of March 5, 1852, is not held for anything else but to pay out the amount which it can prove to have taken over into custody of any inheritance formerly in the custody of the Orphan Court; for all these reasons, as aforesaid, the defendant concluded upon a declaration of non-reciprocity, but always with recognition of the demand of the second parties, costs included; and the defendant concluded furthermore that, in case the court should sentence it to answer for and give account as requested, it should in no case be held for more than to pay out the amount which it took over from the former Orphan Court of Amsterdam.

In consideration of the fact that the second defendant, the Community of Amsterdam, by decision against these second parties, adhered to the same facts quoted against the original plaintiff and agreed upon the said discharge of the General Commission Board, the co-defendant, without recognizing the legitimacy and foundation of the subsidiary conclusion of the co-defendant, declared its desire to be without any obligation, and to reserve all rights and enforce its claims; and the court should declare these second parties non-recipients in their complaint and refuse them with costs. That the original co-defendants (Worms, Ulrich and Bunnagel) declared they would not go against the demand of the second parties, but would yield to the decision of the judge and they declared themselves willing to agree, in case the sentence was in their favor, to do all they could if their co-operation was asked by the second parties; that the second parties, Hengen and Abelshausen, proved their qualification by authentic documents and they agreed to hand in certain papers; that through these, and in regard to the first defendant, the credibility of the produced legitimate documents was questioned and a number of papers were deposited with the Court, while the second party, Derichs, upheld his complaint by replication and the parties plead their respective assertions.

In consideration of the fact upon the strength of reasoning, the original plaintiff and also the second parties establish their right on the basis that they, either as legal heirs or as representatives of legal heirs of Field Marshal Paulus Wurtz, deceased, are entitled to his inheritance; the first thing, therefore, to be done would be to investigate whether or not the plaintiffs or protesting parties had their qualifications legally attested; the defendant, who had objected to the demand, had in this case given a reason for defense; and even if it is proven that this one heir is at hand, every investigation regarding the qualification as legal heir or representative of such is superfluous because the defendants assert Field Marshal Paulus Wurtz excluded, by his testament, his blood relatives and established his housekeeper, Johanna von der Planken, his sole heir; the plaintiffs and the second parties state, however, that this testament was forged and of no value, but as the first and second defendants refer to the existence and the validity of this last will and testament it must be investigated, regardless of what this lawsuit has brought forth in this respect. A copy of the last will and testament of Paulus Wurtz, in his lifetime Baron of Ornholm (attested by Notary Public Moller of Hamburg on March 21, 1679), was submitted by the first defendant, in the original as well as a translated copy. In this testament the said Johanna von der Planken was—after bequeathing a few legacies—named as his exclusive heir. The statement of the second party in their plea that the defendants had to prove the genuineness of the testament because they, the second party, disputed the validity of it, is in contradiction with the rule that the one who refers to an act need not give any proof but that he take upon himself the forgery or invalidity. The reasons for the asserted forgery and invalidity of the testament are mainly as follows:

- 1st. The deceased did not sign the document himself.
- 2nd. Johanna von der Planken and Notary Moller were prosecuted for forgery, and.
- 3rd. The Orphan Court in Amsterdam should have acknowledged the forgery in 1696.

Considering all of these facts, it is indeed true that the deceased did not sign his last will, but it is noted at the end of the document that Jochen Biehl did this in the name of the deceased, who could not do it on account of some nerve trouble; while it is not claimed that this action of Jochen Biehl for and in the name of the deceased was not in conflict with the laws and rules at that time in force at Hamburg in regard to a last will and testament, and even if prosecution was brought against Johanna von der Planken and Notary Moller on account of forgery, the second parties could not show any proofs or refer to any from which it was evident that the persons were really sentenced in behalf of the testament; and so there is no reason for forgery or invalidity in this; the report of German jurists who testified to the forgery and invalidity of the will (which on account of its value might be affixed to the legal

papers) could surely never have had such an effect as to cause the will to be regarded as forged and illegal without particular judicial decision. Lastly, the assertion of the second parties that the Orphan Court in 1696 declared the legal heirs of Paulus Wurtz entitled to his inheritance with exclusion of all others, the testamentary heirs also, is based on just as groundless reasons, because—

1st. The Orphan Court had no right to render a verdict regarding the validity or invalidity of authenticated documents.

2nd. This declaration by the Orphan Court would be in direct contradiction to what it did in 1692, when the court turned over goods and effects belonging to the Wurtz inheritance (which was in its custody) to others and not to the legal heirs.

Thus it is not proven that the will to which the first defendant refers, before it was brought into this lawsuit, was declared forged and invalid by the second parties or the plaintiff; and no legal resolutions were formed for a declaration of invalidity; therefore, the will must be considered as of value and power, and so the demands of the plaintiff, as well as of the second parties, are not granted and a further investigation of the respective facts is, after this decision, superfluous.

After examination of Article 1902 of the Code of Civil Law and Article of the Code of Demands in Civil Law.

#### DECISION.

The demands of the plaintiff and the second parties are denied and they are sentenced to pay the costs of this lawsuit, including those which in former decisions in regard to this matter between the parties are acknowledged as stipulated.

Pronounced by the following:

Dr. S. Wildschut, Officiating President.

Von Amstel, von Cuterén, Judges in open Session of the Supreme Court, on December 30, 1863; pronounced in the presence of the following:

Dr. Becker, representative officer of Justice.

H. J. Van der Pol, Representative Secretary of Court of Justice.

#### "EXHIBIT 10."

#### IN THE NAME OF THE KING!

Open session of the Provincial Court of North Holland, Chamber for Civil Affairs, June 1st, 1871, in the presence of the following gentlemen:

Dr. G. Schimmelpenninck, Vice President, J. J. Spletgerber, Dr. Asser, P. J. Leding van Berkhout and J. J. Meerbeke, Rodan J. Spoor, Advocate General, and C. J. Premery, Representative Secretary.

Session held in behalf of No. 1073.

Arnold J. Hengen, farmer living in Hulsberg, county Meerssen, Johann Wilhelm Abelshausen, tailor, and his wife Maria Helene Hengen, living in Sittard, originally the intervening plaintiffs, and admitted as such by decision of the District Court of Amsterdam, dated May 16, 1857, entered in the original record, at present appealing plaintiffs, represented by Attorney Dr. H. L. Yay, who makes the motion may it please the Court to order the appealing plaintiffs, originally the intervening plaintiffs, to be acknowledged as legal heirs to the property and the inheritance of the late Paulus Wurtz, Baron of Ornholm, Field Marshall in the service of the former Republic of the Seven United Provinces; as for the first defendant (Orphan's Court of Amsterdam), whose place was taken by the "General Commission Board for the Liquidation of the Affairs of the former Orphan and Guardian Court" seated in S'Gravenhage, and which was sentenced to answer and give account to the intervening plaintiffs and to the original plaintiff, and to the original third, fourth and fifth plaintiffs, inasmuch as these were recognized as legal heirs of the same Paulus Wurtz by Warrant of Arrest and which were summoned in correct order; this answering for and giving account being in regard to the management of the said inheritance of the aforesaid Paulus Wurtz, which the former Orphan Court took upon itself, and which account should be accompanied by an inventory or inventories and necessary reports; this should be done either voluntarily or by compulsion and within fourteen days after the Warrant of Arrest has been delivered or within any other space of time set by the Court to hear the decision; the account shall be given in the presence of a special appointed commissioner and in presence of the two parties recognized in the warrant of arrest as legal heirs of the said Paulus Wurtz, while at the same time the original plaintiff and the like concerned parties have been summoned in correct order, and all this with the order that the justifying decisions in this matter shall be produced in compliance with the legal rules by the General Commission Board, which takes the place of the first defendant (Orphan's Court of Amsterdam), and that the same be sentenced after the account has been given and debated, to adjust the account if so demanded, to pay out and turn over to the appellants and their associates the remaining sum and everything else which will be proven as belonging to the said inheritance, and which had, or should have come into the keeping of the aforesaid Orphan Court, or in consequence of the law of May 5, 1852 (States News No. 45), of the General Commission Board which took the place of the first defendant; furthermore, in case the General Commission

Board (which takes the place of the first defendant as aforesaid) should fail to comply with the warrant of arrest and make restitution to the party concerned, now the appellants, and their associates, and all costs, damages and interests which arise should be settled by the Government.

Furthermore regarding the Community of Amsterdam as the original second defendant, in order to hear it acknowledged, that the said community being the one to give orders or the main committer, be responsible for the actions of the former Orphan Court as well as the General Commission Board for the Liquidation of the Affairs of the Orphan Court, and to hear such decision in fulfillment of all this; and the General Commission Board as representative of the first defendant Commissioners will be sentenced to guarantee this without being able to refer to the Law of March 5, 1852 (States News 45); to consider the aforesaid General Commission Board as a separate Commission Board, or in order to use the effects of that law to the disadvantage of the interested parties, directly or indirectly, and to hear itself consequently declared solidarily responsible for the payment of all such costs, damages and interests to which the original defendants in this matter shall be sentenced on account of not adhering satisfactorily to the aforesaid warrant of arrest, and shall also be sentenced to pay the amount to which the costs, damages and interests shall accrue at a certain time, and to pay all this to the appealing parties, originally the intervening parties, and the co-interested parties in this matter, in order to keep the General Commission Board representing the Commissioners which were first summoned free from paying; the first defendant paying second.

And lastly regarding the third, fourth and fifth defendants, inasmuch as they be recognized as legal heirs of the said Paulus Wurtz, by a warrant of arrest, that they find themselves sentenced to co-operate in the obtaining of a decision against the General Commission Board, which represents the first and against the second defendant in taking up the account and debate and adjusting same; also in taking charge of the inheritance or the accumulation of the costs, damages and interests.

Sentencing those of the defendants who protest the costs  
versus

Johann Caspar Wurtz, residing at Amsterdam, original plaintiff, represented through Attorney Dr. E. J. Asser, who in the name of J. C. Wurtz declares that in regard to the appellants going to a higher court, although he would adhere to the conclusion of the lower court, he would conform to the decision of the higher court, sentencing those of the parties which are proven wrong to the costs of the court.

a. The General Commission Board for the Liquidation of the Affairs of the Former Orphan and Guardian Courts, seated in s'Gravenhage, as representative commissioners for the affairs of the former Orphan Court of the city of Amsterdam, original defendant—now defendant—present through Attorney Dr. J. H. Van Eya a motion to the effect that it might please the court in rejecting the appeal:

1st. To declare the appellants non-recipient in their subsidiary inference in declaring the testament of Field Marshal Paulus Wurtz forged, null and void and without power, and to confirm the decision a quo, bringing its effect prominently forward.

2nd. In case the court should find the decision invalid it should reject the appellants or declare them non-recipient in their complaint to take the matter before the highest Court so that it may be carried on and the Court itself should judge and refuse the main complaint or declare it non-recipient.

3rd. In case the demand be granted the Court should order the defendant alone to pay the amount which it will prove to have received from the Orphan Court in Amsterdam as coming from the inheritance of the Field Marshal Paulus Wurtz, and it should sentence the appellants to pay the costs of the lower and higher courts, which also included the costs accruing from former proceedings, unless the matter is carried to the highest court, in which case the defendant would ask that the costs be reserved until the final decision.

b. The Community of Amsterdam represented by the Mayor of Amsterdam.

The original co-defendant, now defendant, represented by Attorney J. G. Kehrn. His motion is that he be given the right, in consideration of No. 3, to the subsidiary inference of the co-defendant, the General Commission Board for Liquidation of the Former Orphan Court of Amsterdam; he declares that it is his desire to not participate in this action, but he reserves to himself the right to introduce, if necessary, the rights and claims of his client; and he suggests that it might please the court in rejecting the appeal:

1st. To declare the appellants non-recipient in their subsidiary reference in declaring the testament of the Field Marshal Paulus Wurtz forged, null and void and without power, and to confirm the decision a quo, declaring at the same time that its effect should be brought prominently forward.

2nd. In case the court should declare this decision invalid it should reject the appellants or declare them non-recipient; all this together with sentencing the appellants to pay the costs in the lower and higher

courts, including those from former proceedings; in case this matter be appealed to the highest court the defendant prefers to reserve the payment of costs until the final decision has been procured.

Further versus

1. The heirs and representatives of Maria Anna Wormbs, married to the late N. Hennes, in the name of
  - a. Franz Anton Marie Hennes, brush-maker, living in Cologne.
  - b. Johann Hennes, hardware dealer, living in Ruhrort.
  - c. Anna Elizabeth Hennes, married to Herman Olligschlager, living in Bonn.
  - d. Gertrud Hennes, married to Wilhelm Braun, living in Bonn.
2. Elisabeth, properly called Anna Elisabeth Wormbs, at present living at Erpel.
3. August Wormbs, Roman Catholic priest, living at Erpel.
4. The heirs and representatives of Joseph Clemens Wormbs in the name of:
  - a. Margarethe Wormbs, living at Ruhrort.
  - b. Theresia Wormbs, living in Bonn.
5. The heirs and representatives of Franz Anton Maria Wormbs in the name of:
  - a. Catharine Wormbs, married to Johann Arenz, living in Bonn.
  - b. Joseph Wormbs, carpenter, living in Poppelsdorf.
  - c. Margarethe Wormbs, living in Poppelsdorf.
  - d. Maria Wormbs, married to Anton Jansen, locksmith, living at Poppelsdorf.
  - e. Andreas Wormbs, living in Poppelsdorf.

The defendants under Nos. 1 to 5 inclusive, at the same time heirs and representatives of Johann Michael Ulrich and of Anton Adam Wormbs, both having lived in Poppelsdorf and died there. Co-defendants who did not furnish an attorney for themselves.

Also versus

The heirs and representatives of Anna Sofia Bunnagel, having been married to Michael Hamblech, by the name of:

- a. Heronica Hamblech, married to Michael Steven, farmer, living at Gymnich.

The heirs and representatives of Johannes Bunnagel by the name of:

- a. Gertrud Bunnagel, married to Joseph Diesterwald, farmer, living in Heerig.
- b. Appollonia Bunnagel, married to Reiner Hemricks, living in Gymnich.
- c. Friederich Horchen, farmer, living in Gymnich, as far as necessary in his own name and also as father and guardian of his minor children by his marriage to the late Anna Christina Bunnagel, in the name of:
  1. Appollonia Catharina Gertrud Sophia, born 1857.
  2. Johann Reiner and Sophia Horchen, born in 1863.
- d. Anna Maria Bunnagel, married to Johannes Flohr, living in Gymnich.

The heirs and representatives of Reiner Bunnagel, in the name of the widow Margarethe Enkel, living in Gymnich, in her own name as well as mother and guardian of her minor son Peter Bunnagel, issue of the marriage with the aforesaid husband.

The heirs and representatives of G. Bunnagel in the name of:

- a. Jacob Bunnagel, living in Gymnich.
- b. Appollonia Bunnagel, living in Kerpen.
- c. Anna Maria Bunnagel, living in Gymnich.
- d. Maria Sophia Bunnagel, living in Gymnich.

Co-defendants appear through their attorney, H. P. Loggere.

His motion being: If it please the court to grant consent to their declaration that they will enter into the proposition made by the appellants and assent to transfer the same, declaring further that they, the co-defendants, would, if the proposition was considered, be willing to help in everything that was asked of them by the plaintiffs (now the appellants by panel), or whatever was required in consequence of pannelation.

And lastly versus

Peter Derichs, farmer, living in Melck, Gemeinde Herkenbosch and Melck, County Roermond, Province Limburg, Co-defendants, not represented by an attorney.

Attorney Le Yay, in the name of the appellants, still adhering to his first offer, offered again, if it might please the court, to grant him consent to his declaration that the appellants refer, and will always refer, to all documents and papers to which they referred in the lower court; that they consider all documents and papers "carried into effect" (introduced in evidence), and as far as it is necessary they use them "de actis causae" and offer to "communicate regarding them" (examination of the documents) with the appellants in a manner fixed by law.

DECISION BY THE COURT.

After hearing the motion of Arnold Joseph Hengen, living in Hulsberg, and of Johann Abelshausen and his wife, Maria Helene Hengen, living in Sittard, by Attorney Dr. H. Le Vay:

After hearing the motion of Johann Caspar Wurtz, living in Amsterdam, by his attorney, Dr. E. J. Asser:

After hearing the motion of the General Commission Board for the Liquidation of the Affairs in regard to the former Orphan and Guardian Courts, seated in s'Gravenhage, by Attorney Dr. J. H. van Eys:

After hearing the motion of the Community of Amsterdam, represented by the Mayor by Attorney J. G. Kuhn:

After hearing the motion made by Attorney H. P. Loggere in the interests of:

1. The heirs and representatives of Anna Sofia Bunnagel, having married Michael Hambloch.
2. The heirs and representatives of Johannes Bunnagel.
3. The heirs and representatives of Reinier Bunnagel.
4. The heirs and representatives of G. Bunnagel.

After hearing the motion of the Procuratos General, which points out that the court rejecting the appeal grant the parties consent to everything for which they asked consent; that it declare the appellants non-recipient in their subsidiary conclusion to declare the testament of Paulus Wurtz forged, null and void, and without effect; that lastly it confirm the sentence, against which the appeal was made, and it should order that the effect should be brought prominently forward, with the sentencing of the appellants to the costs of the higher court.

The Court after examination of the documents:

Considering that the Court, in regard to the facts and proceedings in the lower court, refers to the report of the same and thus takes into its own hands said report contained in the decision, which was pronounced by the Arrondissements Court of Amsterdam, December 30, 1863, by which—for reasons stated therein—the plaintiffs and intervening plaintiffs were refused in their said demands and were sentenced to pay the costs of the law suit, including those which had been reserved between the respective parties by former decisions pronounced in this matter.

Considering furthermore that the said intervening plaintiffs by the said sentence appealed within a favorable time, and because some of the parties summoned before the higher court did not appear, the court acted against the absent ones and held them in contempt of court. A second summons was delivered to the parties who had not appeared. The Community of Amsterdam, whose attorney had in the meanwhile died, was summoned to send another attorney and take up the law suit again.

Considering that the appellants inferred from the reasons given in their bill of complaint, which sets forth that the testament of Paulus Wurtz of March 21, 1676, to which the original defendants refer to as forged and surely always null and void, does not exclude the investigation according to the qualifications of the appellants, and according to the proofs contained in their demand; and the testament had no effect upon the rights of the appellants—to declare subsidiary the said testament as forged, null and void and without effect—that the court at all events should annul the decision a quo and refer the matter to the highest court, where it should be acted upon and settled.

And in case the court should believe that it was not obliged to refer the matter to the highest court it should then, with the annulling of the sentence a quo, confirm the decision of the appellants in the lower court and permit the appellants to be entitled as legal heirs to the inheritance of the said Paulus Wurtz; and to sentence the first defendant, who was succeeded by the General Commission Board for the Liquidation of the Affairs of the Former Orphan Court, to answer for and give account to the plaintiffs by panelation, and to the original plaintiff and the original co-defendants of third, fourth and fifth place inasmuch as they were recognized as legal heirs of Paulus Wurtz by the Warrant of Arrest; the answering for and giving account of being asked for after a legal summons in regard to the care, management and superintendence of the said inheritance by the former Orphan Court of Amsterdam; and this should be done voluntarily, otherwise with the assistance of a Commissioner specially appointed; furthermore they should see that the said account was adjusted; if necessary, right after the proceeding, they should see paid out to the appellants and co-interested parties the remainder and everything which shall be found to belong to the said inheritance and which came to the first defendant, or which should have come to it; if they fail to pay out this they must pay damages. Furthermore, the original second defendant, now third plaintiff, shall be sentenced to guarantee the fulfillment of all to which the first defendant shall be sentenced without recourse to the law of March 5, 1852, and it is to be fully understood that the first defendant shall be exonerated because the second defendant is liable; that lastly the original defendants in the third, fourth and fifth place, inasmuch as they are recognized as legal heirs of Paulus Wurtz, shall be sentenced to help in the settling and adjusting of the said account and in the taking over of the inheritance in question and in fixing the amount of damages, and all this with sentencing the defendants protesting to the costs.

That the original plaintiff, now first defendant, declared he would—although adhering to what was inferred from the lower court in regard to the appeal of the appellants—submit to the sentence of the higher court in sentencing the losing parties to pay the costs.



That the second defendant concluded from the reasons given through a reply:

- 1st. To declare the appellants inadmissible in their subsidiary conclusion to the annulment of the said testament of Paulus Wurtz and to the confirmation of the decision a quo.
- 2nd. That in case the court should annul the decision a quo for a denial or an inadmissible declaration of the appealing parties in their conclusion to refer the matter to the highest judge, then court pronouncing sentence itself should reject the main complaint or declare it inadmissible.
- 3rd. In case the complaint is acknowledged the court should then declare that this defendant alone was obliged to pay the amount, which it can prove to have received of the aforesaid inheritance from the Orphan Court in Amsterdam, together with sentencing the appellants to the costs of both courts, including those which came from former sentences of denial, which were pronounced in this matter in regard to referring the said matter to the court a quo for further proceedings, in which the defendant would probably prefer to see the costs reserved.

That the third defendant inferred from the reasons set forth in its bill of reply in conformity with the conclusion set forth in Nos. 1 and 2, while it asked consent for, it declares it wishes to remain free in regard to the subsidiary conclusion of the defendant, and it reserves for itself the right to enforce, if necessary, all of its alleged rights and claims in sentencing the appellants to the costs of both courts, including those which in the meantime were reserved by sentences pronounced in this case.

That the fifth defendants, through their bill of reply, asked consent in their declaration that they unite with the conclusion of the appellants and conform to the appeal of the same; furthermore declaring that they, the defendants, are willing to do and to help with everything that would be asked of them by the appellants, thus agreeing that the costs which dropped from the appellants and were imposed on them, the defendant, as costs from the explanation, separation and division, should be returned to them. That the appellants by a later conclusion (but adhering to their former conclusion) asked consent to their declaration that the appellants in the higher court refer to all official documents to which they refer in the lower court, offering the examination of the same in accordance with the law.

That lastly the appellants conceived another conclusion in which they declare they will also enforce, without detriment to the reasons already stated, that the defendants cannot offer new evidence of right unless it be (here follows a mutilated sentence which is uncipherable) to bring a demand for the main part and not covered by the lower court.

To this belongs that which is stated by the second, and also by the third defendant, through their bill of reply in the appeal, namely:

a. That the intervening parties, in asserting the invalidity of the testament, should have followed the rules of Articles 176 to 198 of the Code of Civil Legal Claims, and

b. That the appellants would have no claim against the Orphan Court, but would have had the qualification of a sequestrator. That furthermore the appellants also state that in the principle of the sentence a quo the reference should not speak of "unestablished" but "inadmissible."

For the foregoing reasons the appellants also make a motion for the annulment of the sentence a quo.

All this upon the submission of an extract of the list of papers or documents which refer to the material side of the matter and upon the examination of these documents in accordance with the law if the said parties would ask for said examination.

Considering therefore that aside from this whether the appellants had to set forth an express conclusion for their declaration of invalidity of the testament of Paulus Wurtz produced by the second defendant, and whether they not having done this in the lower court were allowed to do so in the higher court it is sure that the document in question is not disputed for the reason that the signature of Diedrich Moller was not genuine or that the person who wrote it should not have had the office of a Notary Public.

Considering that according to this it is beyond controversy that the notarial acknowledgment, which is at the end of the last will and testament, has the character of an authentic declaration.

Considering that the aforesaid notary, in verifying these remarks that the Baron and Field Marshal Paulus Wurtz on his sickbed made it understood in articulate words to seven persons, named in the document and also to the notary that this document (which the first witness, Joachim Biel, signed in the name of His Excellency, because he himself could not do so on account of his illness, and affixed the seal of His Excellency) was his last will and testament, asking at the same time the above mentioned gentlemen and friends, and also him, the notary, to testify to this as witnesses with their names and seals, which the summoned witnesses did one after another in correct form, after which they attested their signatures and seals by notarial acknowledgment in the presence of notarial witnesses, and all this was done *uno actiona contesta*.

Considering that because an authentic deed is sufficient proof for what it contains all these facts must be considered proven.

Considering that the appellants assert that in order to dispute the validity of the testament in question it would be necessary that the second defendant prove above all things the genuineness of this document; but no reasons were given for this assertion while it is in contradiction.

1st. With the rule contained in Article 1902, Civil Code, that the one protesting a fact against the right of another must first prove the existence of this fact.

2nd. With Article 178, Code for Civil Demands, which assigns the proof for the invalidity of a document expressly to the one against whom it is held.

3rd. With the rule of olden times in regard to this see 1-24 Code of the Cornelian Law Concerning Frauds, IX, 22.

Considering inasmuch as the appellants try, even if it is not their duty, as they say, to furnish proof from testimony of witnesses of old dates, their maintainance in this shall be looked upon as beyond consideration, because they did not enter the original deed as forgery in the manner prescribed in Article 176 and according to the Code for Civil Demands.

Considering that the appellants assert that the Articles 176-178 of Civil Demands cannot be applied as the falsity alleged in this case was not a material one but an intellectual one, but this distinction was not founded upon the law.

Considering that in the above mentioned articles of the Code of Civil Demands, and in other articles of the same Code treating on "Charges of Forgery" (no matter how much most of them refer to material forgery) no difference is not only not made between so-called material and intellectual falsity but just the Articles 176 and 178 which speak of falsity and forgery indicate that the lawgiver thought of both kinds (had reference to both kinds); this is corroborated by the regulations in Articles 191 and 193; while the expression—"genuineness and not-genuineness" (probably meaning "validity and invalidity")—in Article 176 surely does not exclude the intellectual falsity but on the contrary can easily be associated with it as a false or forged document is rightly called "not-genuine" (invalid).

Considering that it can also be seen from Article 1909 of Civil Law Code that the law given did not wish to make a distinction between material and intellectual falsity, because in that article authority of suspension has been given in this article for all cases, in which an authentic deed is charged with falsity and the authority is not limited upon material falsity or forgery.

Considering that with all this we also have to consider that the law which is substituted by the present law, and which in regard to the point in question contains the same rules and regulations is always explained and used in a general sense, and one cannot assume that the lawgiver would have applied the same expression in the law of today in a less general sense; and this is so much the less, as there is nothing from which we can follow that such an important change was meant or in view by the construction of this law.

Considering that it follows from all this that the Articles 1909 and 1934 of the Code of Civil Law must be complied with.

Considering furthermore in regard to this point that there is no sufficient reference, no sufficient reason to make one content with the sustaining presented in regard to this by the appellants through a particular conclusion in the appeal; that the directions of Articles 176 to 178 of the Code of Civil Demands, held against the appellants by the second and third defendants, should be a new kind of right like Article 348, first paragraph, Code for Civil Demands, should forbid entering higher appeals. As the article in its demand, or its denial, partly relies upon an authentic deed, the application of a legal rule must in itself be respected in order to convene those who guarantee the conclusive power of this act (the regulations are contained in Articles 1907 and 1934, Code of Civil Law); both are in inseparable connection with the directions of the Code of Civil Demands in regard to the charge of falsity, while on the other hand, even if the pronouncing of an authentic act need not be considered as an appeal, involving the instructions, the judge should follow them; in case the parties did not so state them, then they should have influence argumentatively on his decision.

Considering in reference to the means with which the appellants dispute in the second place the testament in question and with regard to the validity of the act as a last will and testament; that in this matter again the appeal has been set in the foreground that the testament ought to be considered void for the reason that said deceased did not sign it.

Considering in the meantime that no proof whatever was given either in the higher or lower courts that the laws, rules and regulations having been in force in 1676 in regard to the form of a last will and testament, demand unconditionally the signature in question, and therefore offer a digression in this respect of the first 21 codes concerning wills and methods of making same; and the second of the ordinances regarding notaries of Maximilian I (Anni 1512), under Title of Testaments, paragraph 7, which says in regard to this point that he (the testator) openly

declares that what he presents is his testament, and that he sign it with his own hand before all witnesses, or, if he cannot write, or may not write, he causes it to be signed then by an eighth witness, hand in his name, and on his request at a certain place in the testament.

Considering that the appellants further assert even if it was taken for granted that a testament could be signed in the name of the deceased according to the law which was in force at Hamburg at that time, then it should clearly be seen from this that "the order was given," while in this case it is just the other way, for the testament itself states, namely: that the deceased signed it with his own hand and attested it with his seal.

Considering that the contradiction can be solved in this way that the deceased was willing to sign his last will, himself, in the presence of the witnesses, but at the moment when he wished so to do he was not strong enough; while the appellants again fail to indicate that, according to the law in force in Hamburg in 1676, the said given order must be shown in a different way and through the declaration of the eighth witness (octavus subscriptor) to the testament that he signed the testament by request of the testator in the name of the testator, followed by a notarial acknowledgment to the effect that the signing had been performed in the name of the deceased, who was unable to do it, and that this had been done "*una actionis contextu*" after complying with all necessary formalities and requirements.

Considering furthermore the reasons by which the appellants contest the validity of the testament in their bill, the assertion is introduced that the deceased's condition was such that he was positively unconscious of what was done at the time.

Considering that although the notarial acknowledgment did not contain an express declaration to the contrary, the said assertion cannot be made to coincide with the facts mentioned in the act; furthermore the legal supposition ought to stand that the deceased "*in dubio*" (in a stupor) was considered to have been in possession of his faculties, and that the testimony of the witnesses, to which appellants refer—although they may stand as evidence—do not disturb the assertion.

Considering that the appellants by plea also introduced that two of the witnesses did not use their own seals upon affixing seals to the testament; again the proof is missing that this was forbidden in 1676 in Hamburg (although it was allowed according to Roman Law and also according to the said Notary-Regulation of 1512 in Title I of Testaments, paragraph 10).

Considering in regard to the questions whether the appellants, supposing their qualifications are proven, should be allowed to present their claim to the inheritance of the said Paulus Wurtz upon the strength of the so-called decision of the Orphan Court of July 11, 1696, and furthermore whether anything could be derived from this decision which would conform with what the appellants introduced as proof for the falsity and invalidity of the testament, the most important thing to be considered is whether it is really evident from the decision of the Orphan Court that it (the Orphan Court) considered the testament forged and false.

Considering that the appellants, according to the argument of defense made by their lawyers in the lower court—to which they refer in their appeal—assert that P. Wurms, married to E. Bauschen, and H. Moll, married to S. Bauschen, have been recognized in the said decision as the rightful heirs of the inheritance of the said Paulus Wurtz, with the exclusion of all others, especially with the exclusion of Johanna and Bertha von der Planken, from which it would be evident that by this decision the falsity of the testament produced by Johanna von der Planken had been expressly acknowledged.

Considering that upon examination of the said decision it becomes evidence at once:

1st. That Johanna von der Planken, or her heirs, was not a party to the affair upon which the attorneys of the Orphan Court pronounced their decision, but that the plaintiffs—the aforesaid Wurms and Moll—obtained the decision in the first place against a certain Margarethe Christina Bauschen et al. (and others), and furthermore against all who stated that they alone had interest in the inheritance.

2nd. That there is no mention of special exclusion of the aforesaid housekeeper of Field Marshal Wurtz, and her heirs, and

3rd. That there is not a word mentioned about the causative testament.

Considering that only at the end of the legal document there is mention of a decision given in Vienna in favor of the concubine, that the same was given "for want of heirs," and concerned the possessions which were stolen from the inheritance by fraud and power. It causes one to assume that the lawyers were acquainted with the peculiar character of the law suit which ended December 17, 1691, in Vienna.

Considering that the surmise—declared legal by what has lastly been considered—that the Orphan Court on July 11, 1696, did not enter any critical examination of the testament of Paulus Wurtz, and based its decision upon reasons stated which are with variance to the question of the validity of this last will. This is considerably strengthened by a deposition taken from the secret archives in Vienna, just like the decision, the existence and contents of which were not contradicted, and from which, as from the other, about which the parties are not in dis-

pute. It results that Johann Westerbahn, notary public at the Court of Holland, had been asked on July 16, 1696, by Gottfreedt Wurms, as attorney of Hendrick Moll and of Sybilla Bauschen, married, also of Peter Wurms and Elizabeth Bauschen to go with him, Gottfreedt Wurms, and two witnesses to the Orphan Court in order to hear the verdict of the Orphan Court regarding the Wurtz inheritance. In compliance with that request he, the notary, presented at 9 a. m. in the Stuhlhof, in the presence of the lawyers of the Orphan Court, and in the name of his chief, a petition to the gentlemen, which they—according to the translation—had read to them distinctly word for word, saying if it was true that the above mentioned Peter Wurms and Heinrich Moll survived the death of General Wurtz they should be the nearest heirs ab intestato to his inheritance, and they should be maintained above all others but without annulment of the Vienna decision; and my superior (meaning Gottfreedt Wurms) should previously prove that the heirs declared by the Vienna decision are not entitled to the Wurtz inheritance; and if this should be executed at all it should rightly be done in Holland also.

Considering that this answer has, as foundation, a real idea of what was decided in 1691 at Vienna by the Imperial Counsellors, and later on by Imperial Resolution December 17, in the highest court, whereby the resolution was refused with regard to a petition for a revision of a decision given in the highest court in Hamburg in the cause of Johanna von der Planken, and the guardians of her minor child, and also of Johann Kirutz, in the name of his wife, Ingelborg Busch, versus Herrlich Teetz and others and Catherina Lodedantz and others. (This sentence declared that Johann Kirutz had, as was required, proven that his wife, Ingelborg Busch, was entitled to the inheritance of the Field Marshal before Herrlich Teetz, Catherina Lobetantz and others, and that for this reason it must remain by the agreement made between the guardians of the minor child of Johanna von der Planken and the said Kirutz.)

Considering that it is evident from all this that if the said decision by the Orphan Court of Amsterdam of July 11, 1696, is not a substituted document, the same must be regarded as a document which expresses the opinion of the lawyers of the Orphan Court at that time in regard to the legal reasons, subject to their judgment, from which can be followed very imperfectly that it would be doubly dangerous to interpret the expression in that document in such a way that one would not only subscribe to what is mentioned "in terminus" (within limits) but what is termed "implicite" as the appellants assert.

Considering that therefore one cannot conceive that the said decision contains either a particular exclusion of Johanna von der Planken and her heirs to the Paulus Wurtz inheritance, or any decision of the Orphan Court regarding the validity or annulment of the testament of Field Marshal Wurtz.

Considering that as this is a fact it is entirely superfluous to investigate whether the decision in question stands in this law suit as a genuine document, and if so, what would have been the character and effect of such a decision similar to the one which it is alleged was made by the lawyers of the Orphan Court.

Considering that the appellants have also referred by plea to the aforesaid decision of Hamburg, asserting that by that sentence—just because it is pronounced in favor of the heirs ab intestato—the annulment of the testament was virtually assumed.

Considering that in regard to this that by the said decision the inheritance in question was not adjudged, the aforesaid heirs ab intestato of Paul Wurtz, but that the aim of this decision was only to declare that the aforesaid heirs had such eventual claims to qualify, then, above all others, to enter into a transaction regarding the inheritance in question; besides it needs no proof that the legal meaning of a deed or act excludes all inferences about the proof of the demand which is negotiated.

Considering that it is very evident that a prosecution, which does not appear was meant to lead to a sentence, does not prove the existence of a crime, which was in view when the suit was entered; wherefore the reference to the prosecution which was started against Johanna von der Planken and Notary Moller is void of all conclusive power.

Considering that it can be followed by the foregoing that the appellants erred in their proof that the testament of Paulus Wurtz, produced by the second defendant, and acknowledged March 2, 1676, by Notary Moller, should be a forged, substituted paper, or that the same should be designated invalid on account of violation or negligence in the form ordered by penalty of annulment.

Considering that the appellants lastly, in support of their demand, said that Johanna von der Planken as concubine of the Field Marshal was disqualified to be recognized as heir or to derive benefit from such a testament.

Considering that this assertion, as the defendants rightly remark, would not bring about the annulment of the testament even if this statement was established, but would bring about the supposition of heirship whereby the question would then be raised whether the effect, according to the Hamburg law of 1676, would be in favor of the heirs ab intestato and then in favor of the state.

Considering meanwhile that the appellants again neglected to prove that the Hamburg law of 1767 excluded women, by reason of inability

or unworthiness, from the benefit of advantages willed to them even if they had such relationship to the deceased as aforesaid.

Considering that only in one of the letters of advice written by the different Dusseldorf lawyers and produced by the appellants and entitled, "Succanete et vera facti species," and a legal pro facilius expeditione of the law suit, printed in Amsterdam in 1687, the supposition in question is mentioned on page 13 of the little booklet with reference to the laws for recalled codes (letter V, title 27) concerning natural children and their mothers more specially to be found in No. 1, number 2.

Considering also that the appellants did not prove sufficiently that the woman called housekeeper in the Field Marshal's testament was his concubine, as they surely cannot do so when they refer to the mentioning of this expression or of this designation in an Imperial Summons, named: "A proclamation to see and hear whether the Cornelian Laws concerning frauds have annulled punishments (de falsis)," as in the case of the Wurtz inheritance in this public manner of referring to Johanna von der Planken as a false co-interested party of the Wurtz testament; this document does not tend to show or contain anything with sufficient surety regarding the accuracy of such an expression.

Considering therefore that the demand of the appellants can be acknowledged just as little on this last ground as also on this one that the whole testament must be thrown aside as false and declared null and void, it follows that the decision of the first judge must be confirmed.

Considering that the appellants have asserted in their particular conclusion in the appeal, and also in their plea, that the principle of the decision a quo that a denial should not have been pronounced but a non-reciprocity, as they, if their reasons and proofs are not acknowledged, will be rejected for want of qualification.

Considering that this comprehension is not correct, because the entered action, if it had been proven, should have had, above all else, this fact as basis, that on account of death a devolution (transfer to a successor in office) of the inheritance took place.

Considering that by reason of the testament produced in the law suit one must assume that the devolution ab intestato was from the beginning excluded by the testator, and therefore the said basis must be pronounced non-existent and the right to a demand on this ground could not be recognized, in which case the complaint must be rejected according to the rules and regulations.

These reasons unite with the dictum (assertion) of the sentence (decision) a quo.

Considered with regard to the quoted rules and regulations contained in Article 56 of the Code for Legal Demands.

The consent asked for by the third and the fifth defendants is hereby granted.

The decision between the parties confirmed by the Arrondissement Court at Amsterdam, these parties being: the appellants as original intervening parties; the first defendant as original plaintiff; the second defendant as original defendant, and the rest of the defendants as original co-defendants, pronounced December 30, 1863.

The appellants sentenced to pay the costs of the higher court.

So decided by the following: Dr. J. J. Spletgerber, acting President; Dr. J. F. T. van Valkenburg, Dr. P. D. Feding van Berkhaut, Dr. P. J. Noyen, Dr. J. J. van Moerbeke, Counsellors, and also Dr. C. H. Backer, Advocate General. Signed, J. J. Spletgerber. Signed, de Fremery. Delivered to the original defendant, now defendant as original.

Entered in Amsterdam, July 1, 1871, part 164, folio 147, right drawer 1, 39 leaves, one streichung, received for fees 2.40 florin and extra 38 per cent, florin 0.91, all in all 3.91½ florin.

Receiver.

Signed,

SCHEFFER.

For the copy

(The striking out of three words approved)

Signed,

VAN EYS.

No. 174 Jeurn.

No. 185 Reg.

This day, January 29, 1872.

In consequence of the requisition of the Imperial Chancellor at Berlin of January 21 of this year, and by order of the State's Attorney at the Royal Landgericht at Bonn of January 24, of the same year, I, the undersigned Karl Birnbach, bailiff of the Royal Landgericht in Bonn, residing in Lechenich, delivered to Margarethe Enkel, widow of Reiner M. Bunnagel of Gymnich, as she was speaking to her stepdaughter, Gertrudt Horchem, the judicial original document of June 1, 1871. This original document was given by order of the Royal Advocate General of Amsterdam and with consent of the first judicial executor, Jacob du Pont Noordbeek, of the same place, January 11, currentis in case of farmer Arnold Joseph Hengen of Hulsberg and associates versus Johann Caspar Wurtz of Amsterdam and associates (et al.). I also delivered the consent of the above mentioned judicial executor with a copy of this act.

"EXHIBIT 11."

Translation from the Dutch.

Extract from the Minutes of the Office of the

SUPREME COURT OF THE NETHERLANDS.

(Stamp 50 cents.)

Annulling.

Session of January 3, 1873.

Court convened at 11 o'clock.

The bailiff called the following case:

No. 1700. Arnold Joseph Hengen, farmer, living at Hulsberg, Canton Meersen, and Johann Wilhelm Abelshausen, tailor, and his wife, Marie Helene Hengen, both residing at Sittard, appellants for the annulment of a verdict of the Provincial Court of North Holland, June 1, 1871, through their attorney, Johann von der Burgh,

versus

"The General Commission Board for the Liquidation of the Affairs of the Former Orphan and Guardians Court" seated in the Hague, in their qualification as representative Commissioners for the liquidation of the affairs of the former Orphan Court of the city of Amsterdam, defendant, appearing through their attorney, van der Jagd.

and versus

The Mayor of the City of Amsterdam, officially representing the Community in legal affairs, co-defendant, appearing through his attorney, Martin Eysell.

The Supreme Court of the Netherlands after hearing the parties, and after hearing the Advocate General Romer in the name of the Procurator General in a motion to reject the appeal for annulling and to sentence the appellants to the costs accrued from the proceedings:

After an examination of the legal documents:

Considering that the only grounds introduced in the demand for the annulling is:

Violation and wrong application of articles 1904, 1905, 1907, 1909 and 1934 of the Code of Civil Law, and of articles 176 to 198 inclusive, and 436 of the Civil Court rules, because—

1st. In the first mentioned articles of the Civil Court rules, material falsity is the only application to be taken from this reference; they are wrongfully extended to intellectual falsity; on the contrary one is not held or bound to the way prescribed by them.

2nd. Besides this, the articles in question stand only for documents drawn up in the Netherlands and not in a foreign country, consequently they are not to be applied to a testament drawn up in Hamburg in 1676, the execution of which need not be delayed or rather "cannot be delayed."

Considering that it is stated in the controverted verdict that the assertions of the appellants at that time, now appealing parties for annulment, in regard to the invalidity of the testament in question are not to be considered because they did not charge the document in question with falsity in such a manner as is fixed by article 176 of the Civil Court Rules, while their assertion that articles 176 and 178 of the same Code are not applicable, because the falsity which exists in this case is a material one and not an intellectual one, was rejected by the court because it contains a distinction which is not founded upon law.

Considering that the question whether the only grounds for annulment, if founded, or not founded, upon law, depends exclusively on this, whether the case referred to in 176 No. 3 and first paragraph of 178 of the Civil Court Rules "asserted falsity or forgery of a produced document" must in regard to the assertion of falsity or non-falsity be restricted to the material falsity, with exclusion of the intellectual falsity, which is according to the controverted verdict included in the material falsity.

Considering that the rejection of this distinction is not in contradiction with the two articles in question, and that in any case these two articles speak only in general of falsity, and because both named kinds of falsity are included in this, not only according to general principles in penal law, but also according to article 145 of the penal code and because there is not the slightest reason to deviate from this in this case, we must consider BOTH are inferred in the same measure in these said articles of the Civil Court Rules unless one could arrive at a contrary conclusion from other closely connected articles.

Considering that it is too remote that this should follow the closely connected articles 179 of the Civil Court Rules, which specify the way and means of the proceeding in a case of asserted falsity or forgery; on the contrary the articles 179, 180, 181, and 182 contain at the beginning general rules and regulations applicable to both kinds of falsity; that some of the other directions (which are contained in the remainder of article 182 and in the following articles of the Civil Court Rules) are according to their character to be applied to material FALSITY only but that through this alone the generality of the first named articles is not limited, and this so much the less because article 191 of the special proceeding-directions is applicable to both kinds.

Considering that in regard to the articles of the Civil Code referring to this matter, article 1909 speaks also in general of the case when an authentic document is charged with falsity, and that all the rest do not contain anything pertaining to this matter.

Considering in regard to the subsidiary assertion that articles 176 of the Civil Court Rules can surely not be applied in this case, because it concerns an authentic document drawn up in a foreign country, the execution of which could not be hindered by the accusation of falsity, now then if such a hindrance cannot be applied accordingly to foreign authentic documents, because these documents do not possess executive power in this country, according to article 436 of the Civil Court Rules, it does not, for all that, set aside the applicability of the proceedings which are fixed by law for controverting the domestic conclusive power of such a foreign document like the one in question, and therefore this assertion is not well founded.

The appeal is rejected and the parties asking for the annulment are sentenced to the costs.

Decision by the following: de Greve, President, Vordium, de Vos, Elias and Kist, counsellors; announced by the President in open session of the court January 3, 1873, in the presence of the aforesaid gentlemen, Advocate General Romer and of the Greffier-Substitute Vosmaer.

(Signed) F. de Greve, B. Vosmaer.

For conformity of the extract: Der Greffier.

Emerini, Substitute.

(Seal of Supreme Court.)

Registered at the Hague, December 22nd, 1877, part 126, Folio 192, compartment 6. Six leaves without margin notes. Received 27 Gulden 60 cents for fee 20 f. 38% extra 7 fl. 60. Summa 27/60.

The Receiver (Signature illegible).

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|--------------------|-----------|
| Expenses Recording | 27.60     |
| 3 seals            | 2.10      |
| Leges, 12 pages    | 2.16      |
|                    | <hr/>     |
|                    | 31.86 Fl. |

## LEGAL SITUATION.

In order to examine the legal situation the following points should be first decided upon:

1. Against whom could claims be made?
2. In which court should these claims be filed?
3. Which claim has to be applied?

To Item 1:

By reason of the foregoing material the city of Amsterdam can be questioned as defendant. At her direction the inheritance was handed over to Holland. According to the declaration of the Exchange of Aug. 22, 1679, the city took upon itself the obligation to manage the Wurtz estate on behalf of those "which by right were the nearest." Holland charged the Orphans Court, then under its supervision, with the management. The Orphans Court with this management took also upon itself the obligation of handing over the inheritance, and this obligation was again acknowledged in 1696. The Orphans Court is exempt, as it was dissolved in 1811; the liquidation most likely took place in 1880.

The Holland State (Holland Government), to which the inheritance should have reverted according to the law of 1852, is debarred from this because the inheritance then no longer was in the Orphans Court; consequently the law of 1852 could not be applied.

It is very important to thoroughly investigate whether the city of Amsterdam is still in possession of some of this inheritance.

To Item 2:

It depends on the complaint to be made whether the law suit can be entered in any other courts except those, in general, appertaining to the city of Amsterdam.

As the deceased, at the time of his death, resided in Hamburg and as he—according to paragraph 27, 13 Z. P. O., which must be applied to this case under discussion—was subject to the Hamburg courts, the Hamburg courts would be competent for "establishing the right of inheriting," and for the filing of the claims of the heirs against the possession of the inheritance.

In the following we shall examine the legal situation for a law suit in Hamburg as well as in Amsterdam:

To Item 3:

A law suit brought in Hamburg:

Here we urge the necessity of ascertaining information regarding the "right of inheriting," or a claim against the possessor of the inheritance.

As the former law of Hamburg has to be applied to this case, and as the Hamburg law perhaps need not be thought of at all in regard to the deceased, we have here a double case of collusion (or controversy), namely, in regard to time and place, which first must be solved by the Hamburg law of today, which means according to B. J. B.

It is necessary to decide first the time controversy and then to ascertain the local right. The contrasting view (Niedner Recht 1900 S 250, Kommentar von Reichsgerichtsraten I 3) will settle this question just in the reverse way when foreign law is to be considered; but this controversy would cease if only the law of Germany would have the decision. We therefore have to find out whether, according to the governing rules of B. J. B. of the domestic law, foreign law would have to be considered.

The principle stands that questions concerning heritages are to be judged according to the homestead rights of the deceased at the time of his death; that is, according to the law which governed the state to which the deceased was attached at the time of his death. (Standinger VI. S. 99, Vorb. zu. Art. 24-26, No. 2, Abs. 7.)



The deceased lived in Hamburg and he enjoyed, as the documents show, the privileges of a prominent citizen. The exchequer of Hamburg also laid claim to the inheritance, so that one might conclude that the deceased possessed the rights of a Hamburg citizen. This question might yet arise as to whether he was really a subject of his native town or of the land he served.

He was born in Husum, and Husum now belongs to the German Empire; consequently the law that governs Husum would not be foreign any more. Later he served Sweden and Holland. Whether he gained, through this the citizenship of these countries, and later on lost the same again by serving others, is a matter which I cannot decide. From the fact that Sweden did not take any part whatever in the settling of the inheritance I conclude that the Swedish citizenship had been withdrawn, although Wurtz was invested with the barony of Ornholm. Concerning the Dutch citizenship I shall discuss that question closely under B.

It should be remembered, however, that there was no general Swedish or Dutch legislation at that time, and therefore one cannot decide which local law could be applied. There could only be a collision (controversy) between the Hamburg and the Husum law; therefore the question of foreign law drops out. The first thing to be done now is to solve the time collision. Art. 213, E. G., B. G. B., decides that the previous laws should be applied if the deceased died before the B. G. B. took effect. This also stands good for the questions concerning the international private rights.

The Hamburg City law, as it was written in 1603, was used in Hamburg above any other law before the year 1900. It contained no directions about international private rights, but it says in conclusion that for further reference the common Imperial laws and the Holy Roman Empire Published Constitutions should be used.

According to this the common law is to be applied.

The right to the homestead of the deceased should unquestionably be applied to the right of inheriting (Windscheit Pandekten 35, No. 5). Therefore the Hamburg City Law should be applied in this case and for reference the Common Law.

## B. LAW SUIT IN AMSTERDAM.

The foremost question in this dispute is, which "controversy rules" should be applied first. As I am not familiar with the Dutch literature, and as the French literature does not, as far as I know, discuss this question, it will be necessary to investigate from both sides.

(1) The time controversy has to be settled first.

According to the present Dutch law, Art. 4 B. W., the B. W. has no reactive power; consequently the former law stands. The C. O., Art. 2, which was in effect before, contains the same rule. The French law, with which the Dutch law surely corresponds, takes that law as standard, which was used at the time of the death of the deceased. (Zacharie Crome, 29 Anm., 4 R. G., 11, S. 356.) Therefore that law must be applied, which was used in Amsterdam in 1676. In spite of a diligent research I could not find an Amsterdam City Law, as only judicial rules of exchange were mentioned. The indisputable view of all is, that at that time there must have been a common law in Amsterdam. (Modderman Schulz, die Rezeption des rom, Rechts S. 81, fg. bes. 81, says, on page 81, "That the Roman law has been accepted in this country," and one may assume that it was held in effect, although it was not done through a special ordinance.) The law of the homestead of the deceased would therefore be the foundation in this case.

(2) The local controversy must be discussed.

The law of the native country at the time of death is the one which

decided all things, according to Art. 6 and G. B. W., C. Art. 3, 3. (Zachariæ Crome, 30 n, 4a.) As far as the Hamburg or Dutch citizenship is concerned, the Common Law would be the foundation, as has been stated before. Should the law of the native town be decisive, then the Hamburg City Law would be applied also, or the Common Law. For the law of Schleswig allows the law of the homestead of the deceased to be controlling. (Esmarch Handbuch des Erbrechts in Schl. 2d Aufl. S. 22.) But if this referring back would not be allowed, then the Common Law should be used for reference according to the Husum City Law. (P. IV, tit. 74.) It has yet to be established whether the Husum City Law contains special rules.

From all this it can be seen that in this case the Hamburg City Law of 1676 and the Common Law of that time must be applied, whether the law suit is entered in Hamburg or in Amsterdam. The decisions of Amsterdam express the same view.

We now turn to the examination of the case by reason of the rights won through the foregoing discussions.

We have to investigate in general the question of a law suit to be entered and also the question of whether this complaint is prescriptive. If the suit should be entered in Hamburg it would deal with the hereditatis petitio against the City of Amsterdam, and indeed this law suit could be entered by each heir as *partiaria*, as the exact number of heirs so far could not be learned. (Gluck Pandekten 8, 2 Windscheid Pandekten III, 233.)

As this claim is subject to fall under the right of prescription, we have to investigate very thoroughly the question of such a prescriptive state, and first of all one must ask what right and which law decides this question. According to the now prevailing views, which also stand for the Common Law, it depends, in a "prescriptive case," all on the law which governs the relationship of the different rights concerned, and that is the right to the homestead of the deceased. Therefore we must investigate whether, according to the Hamburg Law, the claim is prescriptive. According to E. G. B., G. B., Art. 169, the rules of B. G. B. concerning "prescription" are to be applied for claims which arose before B. G. B. took effect, and which were not prescriptive.

Is this claim prescriptive according to right?

The hereditatis petitio is prescriptive after 30 years. (Glink Pandeken 7-515.) As the Hamburg City Law (Title XXI, Art. 1) and also the Common Law reads a great deal of faith is necessary in order to believe in this being prescriptive.

We shall prove that this faith is missing. Up to the time when the B. G. B. took effect the "prescription" was not complete yet. According to Art. 169 cit., we therefore can apply the rules of the B. G. B. The respite is, according to Sec. 195, B. G. B., thirty years, and, as good faith is not necessary, the "prescription" of thirty years would run since Jan. 1, 1900.

If the law of Husum would be applied the result would be the same. See Part III, Title 49, Articles 1 and 4 of the Husum City Law, Esmarch's Collection of Laws, Rules and Regulations, which concern the citizen's rights in the dukedom of Schleswig,—Schleswig 1846 I, 259 pg.

Other questions arise if the Amsterdam Law is taken as the law of the native state, or if—in reference to the question of prescription—one is of the opinion that the law of the home town should be applied. (Bahr's Book of Instruction for International Rights, 120 and 121; Paris Kassationshof Sir., 69, 49, 85, 113.) For the period of time in which the Common Law was used the decision would be the same in either case. The French law does not, according to general opinion, allow a "prescription" to run against a steward or manager of an estate (partly according to Art. 2236 C. and Zachariæ Crome I, 399, n. 24 and Citate.) This opinion applies to the W. B. so much the more, because it puts Article 1996—which corresponds with Art. 2226 C.—among the general

rules and regulations concerning "prescription," and because it acknowledges by this that the rule should be applied to "usucaption" as well as "prescription."

For the same reason Article 199 would have to be considered, as it demands "unequivocal and quiet possession" under the title of a possessor, while the French law denies the application of Article 2226 C. for a case of "prescription." (*Zachariæ Crome I*, 337, n. 6, 391, n. 3, *R. G. in the Rhein. Arch.* 77, Vol. 59.)

Therefore it rests on an entire misunderstanding of the legal situation if the German Representative in Amsterdam affirms the prescription of the claim by reason of Art. 882, B. W., while the Amsterdam courts never put forth the question of "prescription."

After settlement of all the preliminary questions we have to divide all other questions into four parts:

1. Is the testament legal?
2. Is, after the year 1692, the inheritance yet at hand?
3. Is the City of Amsterdam answerable for the deliverance of the inheritance?
4. Which heirs are to be considered?

Item 1:

It is very strange that the deceased should have been actuated by such different principles in his testament of 1676 than in the one of 1672; that he should remember his debtors with legacies. And it is also very strange that of the seven witnesses only one heard the deceased answer "Yes" when the question was put to him whether this document was his last will and testament; and one might feel inclined to declare the testament null and void with regard to paragraphs 4 and 7 of the rules and regulations for Notaries Public of 1512. Par. 4: "It is necessary in regard to a testament that he or she who makes a testament should be able to speak with intelligible words, or be able to write; the one who cannot do either will be treated as one dead and cannot make a testament." Par. 7: But also that he publicly declare that what he submits is his testament, especially when one puts faith in the statements of the servants. And one could feel, as if the proof was missing, that things had been done according to Par. 3: "It is also necessary that the witnesses who are present and interrogated should be informed and instructed."

But all of these points are not decisive, and if one is inclined to sustain the testament, according to the Dutch decisions, why it is easy to disregard these points.

But this is not possible in regard to the following points:

The rules and regulations for Notaries Public provide, in the aforesaid Par. 7, that the testator sign his testament with his own hand before all witnesses, or, if he cannot or may not write, he shall have an eighth witness sign in his name and at his request. It is plain to be seen that the eighth witness must sign in the presence of all witnesses. The general opinion sanctions this, but expressly, under application of paragraph 1, 21 pr., and par. 1 e, VI, 23, and according to the aforesaid rules. (*Gluck Pandekten*, 34 S. 410.) And it is also a general opinion that the conformity to these rules and regulations makes a testament null and void. Now, then, all seven witnesses declare in accordance that Johann Biehl never signed the testament in their presence and Johann Biehl himself confirmed this under oath. This statement is of great importance for this reason: that it is made by a witness who otherwise sustains in every way the assertions of Johanna von der Planken.

Therefore it is a fact beyond dispute that the testament is null and void.

Another question that might be asked is whether the constituting of a concubine as heir might have any effect upon a testament. I would lay stress upon the fact that the Vienna Acts contain such overwhelming

material, especially in declarations of the von der Planken woman, that her position as such was certain. Of course, it will hardly be possible to make this a point in favor of the intestate heirs, as this case stands almost alone in literature.

Item 2:

To judge by the material at hand, and above all to judge by the extracts from the Registers of the Orphans Court, it is certain that the deceased had considerable monies outstanding. The unquestionable proofs of this are to be found in the inventories in the Archives of Amsterdam, which are still unknown, but which the City of Amsterdam will have to present when a settlement is demanded, provided the City of Amsterdam is answerable for what they had received from the inheritance. From all these documents it cannot be determined what sums in reality were received. But my opinion is that City of Amsterdam must establish this. If the city was administrator of the estate she has to show what was received during her term of administration. The plaintiff only needs to name the possessions which formed the inheritance at the beginning of the administration. It certainly does not suffice for the City of Amsterdam to point out that in 1692 the inheritance amounted to 50,000 florins, for there was another inventory taken after this. The Orphans Court also stated in its decision—the legality of which is beyond question, according to the Vienna Acts—that there were possessions yet in 1696, and it is only with this supposition that one can understand the decision given. In regard to the extent of the inheritance the City of Amsterdam would have to answer for “what had been received” and “what was yet to be received,” because she was administratrix and not possessor of the inheritance.

Item 3:

Is it possible to hold the City of Amsterdam answerable for this? The material at hand shows that the delivery of the inheritance to Holland was done by order of the Mayor of Amsterdam. It is seen by the declaration of the Orphans Court of Aug. 22, 1679, the Mayors of Amsterdam took upon themselves the obligation of handing over the inheritance to the legitimate heirs. It does not matter whether they did this because they were the executors of the testament of Johanna von der Planken or because they wanted to protect a Holland subject.

In 1692 the City of Amsterdam, with consent of the Imperial Court, had an understanding with the heirs then known, and these heirs turned over their rights to the city, but the city cannot make this a legal point, as only four years later new heirs made themselves known to the Orphans Court, and—as no prescription (confiscation) had taken place—the city was from that time on obliged to hand over the remainder of the inheritance. Even if in 1692 the heirs had relinquished all their rights to the inheritance to the City of Amsterdam, this relinquishment dropped out in that moment when it was established that those who had relinquished were not heirs, and this took place when it was found out that Mrs. Kirutz was not the only legal heir and therefore the relinquishment of her rights to the heirs of Johanna von der Planken dropped out.

1. The City of Amsterdam, through her Mayors, took upon herself the obligation to hand over the inheritance; she did her part of the managing, together with the Orphans Court; the Orphans Court reported to the Mayors—as can be proven by the Amsterdam Archives—the whole inheritance was deposited in the court house.

2. The Orphans Court is only a branch of the city administration; this is acknowledged by the Dutch administration as well as the German Consul. If the Mayor of Amsterdam doubts this it is because of his partiality or prejudice.

3. The City of Amsterdam assigned the inheritance to the Orphans Court, and by this established the same, as her representative.

4. To me the most important thing seems to be the ascertaining of

whether or not in 1692 there was any part of the inheritance left which was handed over to the City of Amsterdam.

One could answer this in the affirmative because the accounts of the Orphans Court no longer contained any item in regard to the inheritance and the papers and documents were for a long time hidden away and all at once appeared among the inheritance records of a president of the Orphans Court, and because the City of Amsterdam has always refused to render account and to show inventories. Even in the year 1775 negotiations about satisfying the heirs were pending.

And it is surely beyond comprehension why the City of Amsterdam should have used such extraordinary means if the inheritance was as small as they tried to make out. The extent of the inheritance was fully known to Amsterdam, for Johanna von der Planken immediately handed all of her documents to her friends. There is no doubt but that the two chests brought to Amsterdam by Abraham von Uhlenbrock personally contained all this material. The inventory of these chests will most likely fully explain everything.

And it must be emphasized that, according to an extract from the registers of the Orphans Court, the cash amounts alone were more than 50,000 florins, and also that Teixeira, who, according to the Vienna Acts, was one of the main debtors, was one of the wealthiest men in Hamburg, and the amounts loaned to him were most likely paid.

It is very significant—as also can be proven by the Vienna Acts—that great efforts were made by the Emperor and the King of Denmark to get possession of the inheritance themselves by first bribing the legal heirs; and that the City of Amsterdam, which used the most forcible means and which was at the time at the height of its power, should have done all this only for the heirs, it is beyond comprehension.

Judging from this it would seem to me unquestionably that the City of Amsterdam, even now, is under obligation to relinquish the inheritance, as she was the administrator of the inheritance and not the rightful possessor of it. In all events she must prove WHERE THE INHERITANCE IS.

Item 4:

The Vienna Acts contain a great deal of material with reference to the “right of inheriting” of many different persons. The heirs can be divided into the following groups:

a. Descendants of the half-brothers and the half-sister of the deceased from the marriage of the deceased's father, Nikolaus Wurtz, and Katharina Orth; by name Peter, Anna and Heinrich, residing in Neudorf near Ehrenbreitstein.

b. Descendants of the brothers of the deceased's father, Nikolaus Wurtz; by name Englebert, Johann, Mathias and Arnold Wurtz.

c. Descendants of the brother of the mother, Margaretha Bouschen; by the name of Franz Bouschen, village justice of Holzweiler.

It is not my task to follow the proofs or to ascertain who of the present heirs has the right claim; the Vienna Acts have in part done this.

But it must be established who lived in the year 1676 and excluded all others.

Only two more questions remain to be settled:

1. Has the decree of exclusion by the Imperial Court effect on the present pretenders?

2. What effect have the Dutch decisions?

To 1: The continuation of the law suit came to the Imperial High Court in 1701, because it was above all things necessary—even after the decree of the Orphans Court of 1679—to prove the legality of the decision of 1691. The new heirs came forward with the statement that Mrs. Kirutz had only gained her point by reason of forged documents.

The Imperial High Court took up the next proceedings because the

plea of nullity had to go before the judge who had passed the decision concerned. (Wetzell, system of right in civil law suits, 3rd edition, S. 790.) The court was therefore authorized to issue an edict-citation with the following exclusion:

This citation was published three times in three different newspapers and the provisions for the exclusion decree were therefore complied with. (Wetzel A. A., O. S., 916 pg.)

I am of the opinion that only descendants of those pretenders can be considered who took part in the proceedings before the Imperial High Court.

To 2: The Dutch decisions are therefore only applicable to those persons (and their descendants) who took part in the law suit.

But I am of the opinion also that these persons can enter a new law suit against the City of Amsterdam, because this city has been taxed only for the compensation of the costs, damages and interests which have been caused through the Orphans Court by an orderly discharge of duty in regard to the main claim.

Dusseldorf, March 29th, 1912.

V. VELSEN,  
Attorney-at-Law, Superior Court.

Note.—All of the foregoing documents were translated from the German and Dutch. In many instances it was difficult to make the meaning clear in English without materially changing the text of the subject. The translator therefore made a literal translation.

**NAMES OF THOSE REGISTERED AT HARRISBURG FAMILY REUNION  
OCTOBER 26, 1912.**

Officers of the Association present :

|  |  |
|--|--|
| Mrs. Estelle Ryan Snyder, Chicago.               | Emanuel L. Wertz, Curwensville, Pa.            |
| Willard W. Wertz, Lincoln, Neb.                  | Mr. and Mrs. John Taylor, Atlantic City, N. J. |
| William J. Snyder, Chicago.                      | Mrs. Willard Wertz, Lincoln, Neb.              |
| Miss Cora Hoselton, Millersburg, Ia.             | Mrs. Elizabeth Brogle, Imler, Pa.              |
| Paul D. Wertz, Zanesville, O.                    | W. L. Wertz, Dundee, Iowa.                     |
| James W. Wertz, Grand Junction, Ia.              | Mr. and Mrs. P. M. Teats, Northumberland, Pa.  |
| John W. Wertz, Stuart, Neb.                      | Mrs. C. H. Simcox, Kane, Pa.                   |
| Hiram E. Wertz, Quincy, Pa.                      | Mrs. Anna G. Parks, Renova, Pa.                |
| John A. Wertz, Johnstown, Pa.                    | F. L. Worts, Big Run, Pa.                      |
| Wm. H. Wertz, Wall, Pa.                          | Mrs. B. I. Worts, Big Run, Pa.                 |
| Maggie Wertz, Wall, Pa.                          | Mrs. E. H. Wertz, Gramplan, Pa.                |
| Katherine Wertz, Wall Pa.                        | Mr. and Mrs. D. R. Reed, Pittsburgh, Pa.       |
| David M. Walburn, Berwick, Pa.                   | Miss Mame Wertz, Renova, Pa.                   |
| Mrs. Anna Bell, Chicago.                         | Mr. and Mrs. B. F. Pfonts, Renova, Pa.         |
| Wm. Wertz, Grand Rapids, Mich.                   | Mrs. J. C. Happersett, Philadelphia, Pa.       |
| John B. Knell, Harrisburg, Pa.                   | Calvin Wertz, Mann's Choice, Pa.               |
| Mrs. C. B. Baughman, Fayetteville, Pa.           | Viola Snavelly, Mann's Choice, Pa.             |
| Mr. and Mrs. W. A. Carpenter, Mann's Choice, Pa. | Ada Wertz, Mann's Choice, Pa.                  |
| Mr. and Mrs. J. Phil Heinz, Shelbyville, Ill.    | Howard Carpenter, Mann's Choice, Pa.           |
| Mrs. H. A. Happersett, Philadelphia.             | Wm. Wertz, New Port, Pa.                       |
| Mrs. Jontz and Miss Anna Jontz, Malden, Ill.     | Mrs. Sullivan, Harrisburg, Pa.                 |
| T. B. C. W. Maxwell, Philadelphia.               | Edward S. Wertz, New Bloomfield, Pa.           |
| Miss A. Heller, Victor, Ia.                      | Mrs. Annie Good, Mt. Joy.                      |
| David Mullendore, Viola, Wis.                    | Mrs. Jane Bishop, Mt. Joy.                     |
| Harvey S. Wirtz, Cockeysville, Md.               | Mrs. Morton Wertz, Mt. Joy.                    |
| G. W. Noll, Lancaster, Pa.                       | Chas. C. Wertz, Newark, N. J.                  |
| Dave R. Wertz, wife and son, Renova, Pa.         | Miss Bertha Wertz, Lancaster, Pa.              |
| John Helbley, Orviston, Pa.                      | Mrs. Lydia A. Wertz, York City, Pa.            |
| Jacob D. Wertz, Lovettsville, Virginia.          | Mr. J. Wertz, Harrisburg, Pa.                  |
| Hubert Langenfelter, Bedford, Pa.                | M. L. Wertz, Altoona, Pa.                      |
| Mrs. John Wertz and sons, Stuart, Neb.           | Mrs. Mantle L. Matlick, Keyser, W. Va.         |
| H. C. Delcamp, Richmond, Ind.                    | Mrs. Anna V. Stamps, Belle Vernon, Pa.         |
| I. M. Wertz, M. D., Hagerstown, Md.              | Wm. A. Stamps, Belle Vernon, Pa.               |
| J. D. Wertz, Selinsgrove, Pa.                    | Mr. and Mrs. W. A. Smith, Harrisburg, Pa.      |
| Samuel A. Wertz, Hanover, Pa.                    | Mrs. Laura C. Crane, Jersey City, N. J.        |
| Wm. F. Wertz, Hanover, Pa.                       | Mrs. C. A. Fremell, Harrisburg, Pa.            |
| John McGonegal, Phillipsburg, Pa.                | Mrs. Lee Oyler, Chambersburg, Pa.              |
| Wm. M. McGonegal, Pittsburg.                     | Mrs. Barnitz, Barnitz, Pa.                     |
| John Wertz, Altoona, Pa.                         | Mr. and Mrs. J. R. Myers, Pittsburg, Pa.       |
| Mrs. Sadie F. Thompson, Ottumwa, Ia.             | R. E. Wertz, Pittsburg, Pa.                    |
| Mrs. G. W. Lantz, Nora Springs, Ia.              |  |
| John R. Wertz, Allentown, Pa.                    |  |
| Jacob W. Wertz, York, Pa.                        |  |
| Mathew W. McFerren, New Kensington, Pa.          |  |

(This is not a complete list of those in attendance, but owing to the fact that many neglected to inscribe their names on the register we are only able to give the foregoing.)

## NAMES AND ADDRESSES OF MEMBERS OF WERTZ FAMILY ASSOCIATION.

### ALABAMA.

William H. Cook, Rural Del. 1, Box 20,  
Camden.  
Mrs. Elizabeth Cook, Rural Del. 1,  
Box 20, Camden.  
Mrs. Lena Cook Campbell, Camden.  
Mrs. G. E. Williamson, Box 105, Power  
Lower Peach Tree.  
Mrs. Mary Campbell, 303 Monroe St.,  
Mobile.

### ARKANSAS.

H. P. Wertz, Booneville.  
D. N. Herman, Bentonville.  
Mrs. Catherine Groeber, Charleston.  
C. H. Wertz, Ft. Smith Biscuit Co.,  
Ft. Smith.

### CANADA.

A. F. Werts, Bow Island, Alberta.  
Frederick Rex Werts, Bow Island,  
Alberta.  
Mrs. Phoebe Field, Metschosen, B. C.  
Burton Wertz, Lock Box 341, New  
Siskeard, Ont.  
Mrs. Ollie D. Akers, North Battleford,  
Sask.  
Mrs. Winnie Schley, Weyburn, Sask.

### COLORADO.

Miss Bertha Wertz, 1450 Mariposa St.,  
Denver.  
Miss Pauline Wertz, 1450 Mariposa St.,  
Denver.  
Mrs. George W. Sefton, 1033 Eighth  
St., Denver.  
Mrs. Verda Rock Runyon, Lamar.  
C. H. Wertz, Limon.  
Mrs. Mary Wertz, R. 1, Box 108,  
Loveland.  
William Wertz, Loveland.  
Frederick Wertz, Loveland.  
Clara Wertz, Loveland.  
Adam Wertz, Loveland.  
Lydia Wertz, Loveland.  
Marie Wertz, Loveland.  
Elizabeth Wertz, Loveland.  
George Wertz, Loveland.  
John Wertz, Loveland.  
Paulina Wertz, Loveland.  
John Wertz, Loma.  
J. W. Wertz, Manitou.  
Mrs. Ella Swearingin, 717 E. 7th St.,  
Pueblo.  
Ora C. Wertz, Box 37, Rollinsville.  
A. D. Irwin, Steamboat Springs.  
Mrs. P. J. Ryan, Twin Lakes.  
Frank Schaub, Walsenburg.

### CALIFORNIA.

Theo. L. Wertz, Altadena.  
A. A. Kaufman, 284 Prince St., Berk-  
ley.  
Miss Bertha Heller, Box 283, Chico.  
Mrs. Sarah Wertz Bodle, R. F. D.  
Box 25, Grass Valley.  
Mrs. Lavina Slusher, R. 1, Box 77,  
Hayward.  
Miss Olive Heller, 428 W. 5th St.,  
Long Beach.

G. W. Mullendore, Long Beach.  
Mrs. Martha Wigmore, 2332 Thompson  
St., Los Angeles.  
George A. Smith, 2808 No. Sichel St.,  
Los Angeles.  
W. D. Werts, 655 W. 36th Place, Los  
Angeles.  
Mrs. Lydia Howe, Point Arena.  
Miss Lena Mullendore, R. F. D. 1,  
Pomona.  
Mr. H. W. Freyermuth, R. F. D. 1,  
Pomona.  
Mrs. Eva M. Freyermuth, R. F. D. 1,  
Pomona.  
Mrs. Carrie Mullendore, Pasadena.  
Mrs. C. W. Dorris, 821 Market St.,  
San Francisco.  
John P. Wertz, 1709 J St., Sacra-  
mento.  
Miss Frankie L. Thompson, Box 433,  
Santa Clara.  
Mr. William O. McClintock, Walnut.  
Mrs. Alice McClintock, Walnut.  
John N. McClintock, Walnut.  
Lawrence O. McClintock, Walnut.  
Lloyd A. McClintock, Walnut.

### FLORIDA.

Roy Wilson, Columbia.  
Mrs. Mary E. Wertz, Dukes.  
Willie A. Werts, Dukes.  
Miss Ella F. Wertz, Dukes.  
A. C. Wertz, Dukes.  
Herbert Wilson, Dutton.  
Samuel King, Ft. Myers.  
Mrs. Ellie McCullough, 2006 Tampa  
St., Tampa.  
Mrs. Mary Wertz, Welaka.  
W. J. Wertz, Welaka.  
G. W. Wertz, Welaka.

### GEORGIA.

Miss Julia Ahlstrom, 1294 Broad St.,  
Augusta.  
John A. Markwalter, 333 Walker St.,  
Augusta.  
Mrs. John Wertz, R. F. D. 22, Augusta.  
J. S. Wertz, 2116 Lincoln St., Savan-  
nah.  
Mrs. Emma Snelgrave, Swainsboro.  
Merrian N. Wertz, Thomasville.  
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Fred Savage, Athens.  
Perlle Kimble, R. F. D. 6, Box 729, Athens.  
Peter Savage, R. F. D. 6, Box 729, Athens.  
Nathaniel Wertz, Ashland.  
W. D. McIntyre, 657 May St., Akron.  
Mrs. Etta Baker, 158 E. Palmer St., Akron.  
Mrs. Viola Wertz Garn, R. F. D. 3, Applecreek.  
Geo. W. Lappin, Bolivar.  
Addie F. Lappin, Bolivar.  
Catherine Warner, care Geo. Lappin, Bolivar.  
Mrs. Lottie Younger, Burbank.  
Geo. H. Wertz, R. 1, Box 18, Bradner.  
Mrs. J. W. Le Galley, Bowling Green.  
Mrs. Celesta Simen, Burbank.  
Col. Frank Foster, 263 E. Bucyrus St., Crestline.  
Mrs. Estelle Gast, 3217 W. 25th St., Cleveland.  
Wm. Wertz, R. D. Solon, Cleveland.  
Leo Wertz, 6709 Cedar Ave., Cleveland.  
R. O. Wertz, 6709 Cedar Ave., Cleveland.  
Clyde H. Wertz, 6709 Cedar Ave., Cleveland.  
Herman Wertz, 8215 Hoffman Ave. N. E., Cleveland.  
Webb L. Barr, care K. W. Ignition Co., Cleveland.  
Effie A. Cunningham, 185 Wertz Ave., Canton.  
Mrs. Jennie S. W. Grobbiser, 621 Greenfield Ave., Canton.  
Mrs. Frank I. Skeeles, 116 W. Reynolds St., Canton.  
Mrs. Sofia Kenning, 2275 Schoedinger Ave., Lick Run, Cincinnati.  
Mrs. Anna Albers, 2275 Schoedinger Ave., Lick Run, Cincinnati.  
Theo. J. A. Denning, R. 3, Box 40, Griffin Pike, Cincinnati.  
Jos. H. Denning, 2263 Harrison Ave., Cincinnati.  
Mrs. Dan'l C. Anderson, 309 E. 4th St., Cincinnati.  
Sarah E. Snyder, 174 E. Maynard Ave., Columbus.  
F. M. Bowman, 48 Deschler Bldg., Columbus.  
Albert Neighly Werts, Celina.  
Mrs. Emma Hager, R. R. 8, Dayton.

Mrs. Louisa K. Eisenhart, R. R. 8, Dayton.  
Chas. B. Wertz, 134 Henry St., Dayton.  
Wm. Wertz, 107 Ashley St., Dayton.  
Jos. Wertz, 408 Pritz Ave., Dayton.  
Peter F. Wertz, 115 Notre Dame, Dayton.  
Mrs. M. Elizabeth Flickinger, Box 75, Dalton.  
David R. Wertz, Box 75, Dalton.  
Mrs. M. Elizabeth Palmer, Dalton.  
Geo. H. Wertz (University Park), Frederickstown.  
Mrs. Lewis Wertz, Frederickstown.  
David Wertz, 134 Jackson St., Fostoria.  
Thos. G. Wertz, Funk.  
David Wertz, 824 Lenard St., Fostoria.  
L. P. Wertz, Kunkle.  
Mrs. Harriet A. Motter, 613 W. Spring St., Lima.  
J. R. Melly, care B. P. L. Co., Lima.  
G. W. Wertz, 1510 Winchester Ave., Lakewood.  
Wm. Herman, N. E. corner Crane & Grimm Sts., Middletown.  
Mrs. Rosa Hefflinger, N. Bowman St., Mansfield.  
Mary S. Cliff, 713 E. High St., Mt. Vernon.  
Albert Wertz, R. D. 1, Marshallville.  
Mrs. Nettie W. Bell, 1714 Green St., Massillon.  
Winfield S. Wertz, R. D. 2, Marshallville.  
Francis Huser, R. 2, Box 57, Mt. Healthy.  
Henry M. Wertz, Orville.  
Anna E. Wertz, Orville.  
Oliver Wertz, 139 E. 9th St., Portsmouth.  
Ambrose Wertz, R. D. 1, Seville.  
Otto Austin Wertz, R. D. 2, Seville.  
Port Brant, Scotoville.  
Mrs. Emma Shaffer, R. F. D. 3, Shreve.  
Mrs. Rachel Hoover, Troy.  
Perry D. Werts, Verona.  
Mrs. Corilla Niswanger, Verona.  
Mrs. Martha J. Brown, Verona.  
Mrs. Elizabeth Shank, Verona.  
Mr. and Mrs. James B. Knox, R. F. D. 7, Wooster.  
Mrs. Clara Rich, R. F. D. 7, Wooster.  
Mrs. Mary Owen, 208 1/2 Sciota St., Urbana.  
Paul D. Wertz, Pine St., Zanesville.

## OREGON.

Mrs. V. B. Wolcott, R. F. D. 1, Box 160, Oswego.  
Geo. Wirts, 1007 Mississippi Ave., Portland.  
H. L. Wertz, 903 Bridge St., The Dalles.

## PENNSYLVANIA.

Mrs. Sarah Belle Deffenbaugh, 1912 6th Ave., Altoona.  
Mrs. Anna E. Menath, 1802 6th, Altoona.  
Mr. and Mrs. Sam'l C. Abrahams, 1912 6th, Altoona.  
Mrs. Harriet E. Webber, East Altoona.  
William Wertz Keaghy, Altoona.  
Mrs. Alice Snowalter, 2924 Spruce Ave., Altoona.  
Wm. Downs, 4055 4th Ave., South Altoona.  
John R. Wertz, 108 N. 2nd St., Allentown.  
Mrs. Anna V. Stamps, Belle Vernon.  
Dr. Henry C. Wertz, 1011 6th Ave., Beaver Falls.

Mrs. Sarah Smith, R. 4, Box 31, Bedford.  
 David Elssworth Wertz, R. F. D. 3, Bedford.  
 J. Elmer Taylor, Bedford.  
 Miss Julia von Wertz, 453 W. Pitt St., Bedford.  
 Phillip P. Wertz, R. F. D. 3, Bellefonte.  
 David M. Walburn, Berwick.  
 Harrison Hart, Boswell.  
 James W. Wertz, Bernharts.  
 Wm. Wertz, R. F. D. 1, Cly.  
 Miss Martha Wertz, Columbia.  
 Mrs. Priscilla Wertz Kress, Cherryville.  
 Carl M. Wertz, Charleroi.  
 J. R. Chalfant, 227 McKean Ave., Charleroi.  
 Lillian F. Crowley, Charleroi.  
 Mrs. Harvey Rife, 714 Balto Ave., Chambersburg.  
 Mrs. Susam Umberhocker, 213 S. Water St., Chambersburg.  
 Mrs. R. C. Shockey, 668 Main St., Chambersburg.  
 Samuel C. Knell, 103 Commerce St., Chambersburg.  
 Mrs. Becca Mowen, 103 Commerce St., Chambersburg.  
 David E. Bushman, 103 Commerce St., Chambersburg.  
 Mrs. Minnie Spangler, Box 105, Camp Hill.  
 Mrs. Gerty Felty, Box 105, Camp Hill.  
 Christopher Bortz, Cumberland Valley.  
 Mrs. Mary Tate, 543 Nichols St., Clearfield.  
 Mrs. Ida Thompson, 502 Park St., Clearfield.  
 James J. McGonegal, Calumet.  
 Mrs. S. C. Riley, 308 So. 3d St., Duquesne.  
 Caleb Wertz, Duryea.  
 Thomas Winn, Duryea.  
 William Winn, Duryea.  
 George Winn, Duryea.  
 Mrs. Mary Hushelpeck, Duryea.  
 William Wertz, Box 45, Duryea.  
 George W. Wertz, East Conemaugh.  
 J. A. Wertz, Etters.  
 James J. McGonegal, Calumet.  
 William C. Byers, Edenville.  
 Mrs. Alice T. Henry, Everett.  
 E. Mowry Gelvin, Box 33, Ft. Littleton.  
 Humphrey F. Blythe, Fayette City.  
 Mrs. Ella F. Arison, Fayette City.  
 Samuel Brown, Fayette City.  
 Fred Brown, Fayette City.  
 Mrs. Beula Patton, Fayette City.  
 Phillip F. Bortner, R. 22, Fayette City.  
 Miss Flora Bortner, R. 22, Fayette City.  
 Charles Brown, Flat Woods.  
 Fred R. Wertz, Fleetwood.  
 Mrs. C. B. Baughman, R. 1, Fayetteville.  
 D. C. Croft, R. 1, Fayetteville.  
 Mrs. Mary E. Ford, R. F. D., Grindstone.  
 George B. McC. Blythe, R. F. D., Grindstone.  
 Edward H. Wertz, Gramplan.  
 Mrs. Emma Freeman, Gramplan.  
 Edgar Miles Wertz, Highspire.  
 Phillip Wertz, Houserville.  
 Mrs. Lizzie Herman, 1639 N. 7th St., Harrisburg.  
 Mrs. C. A. Fremell, 1520 N. 5th St., Harrisburg.  
 Miss Agnes Bomberger, 1945 N. 6th St., Harrisburg.

Mrs. Mary E. Erb, 1945 N. 6th St., Harrisburg.  
 John B. Knell, 51 N. Summit St., Harrisburg.  
 Caroline C. Hershey, 1032 Rolleston St., Harrisburg.  
 Mrs. Elizabeth Beegle, Imler.  
 John A. Wertz, Box 595, Johnstown.  
 H. F. Knepper, 666 Grove Ave., Johnstown.  
 Miss Susan Sullivan, Kegg.  
 Bertha Wertz, 659 W. Chestnut St., Lancaster.  
 Mrs. John Miller, 36 W. Strawberry St., Lancaster.  
 Samuel G. Wertz, Lititz.  
 Jacob C. Wertz, Lashley.  
 Y. J. Bomberger, R. 7, Lebanon.  
 Mack Wertz, Grant St., Lewistown.  
 Frank L. Wertz, 132 So. Main St., Lewistown.  
 William E. Wertz, Lewistown.  
 All Shearer, Mill Run.  
 William Shearer, Box 52, Mill Run.  
 Mrs. Elizabeth Elden, Mont Alto.  
 John D. McFerren, Mont Alto.  
 Mrs. Ruth Bronneller, 152 Shoemaker St., Monessen.  
 Dr. G. H. Eppley, Maryville.  
 Simon W. Mann, Millersville.  
 Mary Lines, Millersville.  
 Mrs. Elmer Troup, Mt. Pleasant Mills.  
 J. W. Teats, Mt. Pleasant Mills.  
 Mrs. Henry Breneman, R. D. 1, Marietta.  
 Mrs. David R. Rudy, Mann's Choice.  
 Howard Sheridan Wertz, R. F. D. 1, Mann's Choice.  
 Mrs. Samuel C. Burkett, Mann's Choice.  
 Calvin Wertz, R. 1, Box 14, Mann's Choice.  
 Samuel Kerr, Mann's Choice.  
 Mrs. Hannah Bierly, Milesburg.  
 Harry W. Tyson, R. D. 2, Mt. Joy.  
 Mrs. Jerry Hilt, R. D. 2, Mt. Joy.  
 Claton W. Tyson, Mt. Joy.  
 Norman W. Tyson, Mt. Joy.  
 Mrs. Abraham B. Earhart, Mt. Joy.  
 Miss Anna W. Tyson, Mt. Joy.  
 Mrs. Mary Spangler, R. R. 3, Manheim.  
 Clayton L. Wertz, 412 W. 6th St., McKeesport.  
 Mrs. Emma Dreisbach, 62 Broadway, Mauch Chunk.  
 Miss Sarah J. Stambaugh, R. F. D. 3, New Bloomfield.  
 Mrs. Emma H. Baughman, Newcastle.  
 Mrs. P. M. Teats, R. F. D. 2, Northumberland.  
 Daniel Wertz, New Kingstown.  
 Mathew W. McFarren, 432 Ridge Ave., New Kensington.  
 C. C. Clemens, New Columbia.  
 John Helbey, Orviston.  
 J. R. Johnston, Oakmont.  
 Mrs. Maria Hughes, Old Forge.  
 Emanuel C. King, Point.  
 Mrs. Elizabeth Bottorf, 334 11th St., Philipsburg.  
 John McGonegal, Philipsburg.  
 Mr. and Mrs. J. R. Myers, 7209 Race St., Pittsburg.  
 Irvin W. Myers, 7209 Race St., Pittsburg.  
 J. Earl Myers, 7209 Race St., Pittsburg.  
 Mrs. N. Walker, 35 Sweet Briar St., Pittsburg.  
 Mrs. Emma L. Montgomery, 2 Granite St., Pittsburg.  
 William McGonegal, 345 Summit St., Mt. Olive Stat., Pittsburg.

Mrs. Mary Estelle Reed, 88 Flower Ave., Hazelwood Ave., Pittsburg.  
 Mrs. Mary E. Felger, 55 Franando St., Pittsburg.  
 Mrs. Amanda J. Wertz, 47 Taggart St., North Side, Pittsburg.  
 Mrs. Lavena W. Gibbons, 47 Taggart St., North Side, Pittsburg.  
 Mrs. Mary E. Hillgrove, 270 Main St., Pittsburg.  
 Mrs. Carrie Bowman Schule, North Side, Pittsburg.  
 R. E. Wertz, Arrott Bldg., Pittsburg.  
 Mrs. Mary Love, 245 So. 15th St., Philadelphia.  
 Mrs. Rebecca Andrews, 3015 W. Susquehanna Ave., Philadelphia.  
 Miss Belle Downs, Jewish Hospital, York Road, Philadelphia.  
 Jacob B. C. W. Maxwell, So. E. 60th and Walnut, Philadelphia.  
 J. W. Landis, 1514 Dauphin St., Philadelphia.  
 William Wertz, 122 Rock St., Pittston.  
 George Wertz, 61 Union St., Pittston.  
 Mrs. Nancy Adams, 111 Spring St., West Pittston.  
 John Wertz, Ann St., West Pittston.  
 Hiram E. Wertz, Quincy.  
 Benj. F. Burkholder, Quincy.  
 Margaretta W. Austin, Ridley Park.  
 Mrs. Anna C. Parks, 130 12th St., Renova.  
 Mrs. B. F. Pfontz, Renova.  
 Miss Mame Wertz, Renova.  
 John F. Wertz, Renova.  
 Dave R. Wertz, Renova.  
 Mr. and Mrs. C. R. Hall, Renova.  
 Taylor C. Wertz, Renova.  
 Frank M. Wertz, 1125 Marion St., Reading.  
 Mrs. Solomon Yoder, 1352 N. 10th St., Reading.  
 Mrs. Elizabeth S. Dippery, Box 114, Reedsville.  
 Mrs. Regina Elbell, R. F. D., Rossiter.  
 Mrs. Sarah E. Wertz, 123 Market St., Scottdale.  
 Mrs. Laura Knepper Baush, Somerset.  
 Mrs. Bertha W. Shaffer, Box 22, Somerset.  
 Mrs. Anna W. Shank, Box 115, Shanksville.  
 Mrs. Sarah C. Fleming, R. F. D. 24, Smock.  
 John M. Gross, R. F. D. 2, State College.  
 Mrs. Margaret E. Meredith, St. Thomas.  
 Annie E. Yeager, St. Thomas.  
 Mrs. William Weigle, R. F. D. 1, Shanksville.  
 Lee Wertz, Temple.  
 Mrs. Kate Bortz, Temple.  
 James B. Blythe, 152 1st Ave., Tarentum.  
 Jos. Ammerman, Tyrone.  
 Josiah V. Thompson, Pres. First Nat'l Bank, Uniontown.  
 Jos. L. Wertz, 700 Card Ave., Wilmerding.  
 Mrs. Mary Kissell, 1549 Scott St., Williamsport.  
 Mrs. Mary Hansell Shepard, Wyalusing.  
 Mrs. Lottie Holmes, Woodbine.  
 Mrs. John F. Merritt, Winburne.  
 Lydia Hillegas, West End.  
 Philip W. Byers, R. 1, Williamson.  
 William Wertz, Wall.  
 Mrs. Kate Kendrick, 230 Market St., Williamsport.

Mrs. A. T. Bower, 435 Church St., Williamsport.  
 B. Maye Wertz, 264 Albermarle St., York.  
 Mrs. Emma Bollinger, 534 Walnut St., York.  
 Jacob W. Wertz, York.

#### RHODE ISLAND.

Capt. C. M. Knepper, U. S. Navy, 120 John St., Newport.

#### SOUTH CAROLINA.

L. A. Werts, care Belton Mills, Belton.  
 Mrs. Tura Hogan, Congaree.  
 E. E. Wertz, R. F. D. 1, Dyson.  
 Andrew A. Wertz, R. F. D. 1, Dyson.  
 Forrest C. Wertz, R. F. D. 1, Dyson.  
 Miss Alma Wertz, R. F. D. 1, Dyson.  
 Miss Dora Wertz, R. F. D. 1, Dyson.  
 Mr. and Mrs. Spencer Moffett, R. F. D. 1, Dyson.  
 O. S. Wertz, Johnstown.  
 John W. Monts, Little Mountain.  
 W. M. Wertz, Mountville.  
 D. B. Wertz, Newberry.  
 H. M. Mayer, Newberry.  
 Clarence Furman Wertz, 1927 Main St., Newberry.  
 Dr. and Mrs. James Kibler, 1605 Main St., Newberry.  
 Mrs. H. F. Addy, Newberry.  
 James B. Reagin, Newberry.  
 Jno. W. Reagin, Newberry.  
 G. M. B. Epting, 1114 Glenn St., Newberry.  
 Noah W. Wertz, Orangeburg.  
 Preston S. B. Wertz, Orangeburg.  
 Jacob L. Werts, R. F. D. 5, Prosperity.

#### SOUTH DAKOTA.

Abraham Strine, Creighton.  
 Mrs. Elizabeth Corkins, R. F. D. 1, Rockham.  
 P. J. Wertz (real estate), Watertown.  
 Nicholas H. Wertz, Sioux Bottling Works, Watertown.

#### TEXAS.

R. L. Wertz, R. F. D. 1, Box 16, Coppell.  
 Simon E. Wertz, 931 W. Morgan St., Dennison.  
 John Wertz, 931 W. Morgan St., Dennison.  
 Lewis Wertz, 931 W. Morgan St., Dennison.

#### UTAH.

H. M. Holler, Tremonton.  
 Levi E. Wertz, Ogden.  
 Mrs. C. J. Neilson, 1630 So. 9th St., East, Salt Lake City.

#### VIRGINIA.

Catherine Ferguson, R. F. D. 3, Ferrum.  
 J. D. Wirtz, Lovettsville.  
 Mrs. Delfiah F. Hawley, Poage Mill.  
 Mrs. Nannie W. Yoder, R. R. 5, Roanoke.  
 Mrs. Hattie Grisso, R. F. D. 4, Box 116, Roanoke.  
 Maurice King, 1 Gov. Road, Richmond.  
 W. F. Wertz, Rocky Mount.  
 S. S. Wertz, Western State Hospital, Staunton.  
 Jacob Wertz, R. F. D. 2, Box 29, Salem.  
 Katherine Surface, R. F. D. 2, Box 29, Salem.  
 Luthia Yates, R. F. D. 2, Box 38, Salem.  
 Eliza Wertz, R. F. D. 2, Box 29, Salem.  
 Luther J. Wertz, Box 29, Salem.  
 P. W. Wertz, Box 29, Salem.

John Wertz, R. F. D. 2, Box 25,  
Salem.  
James William Wertz, Salem.  
Hesclie Wertz, Salem.  
Mrs. Emma Nienke, R. F. D. 2, Box 13,  
Salem.  
Artha Wilson Wertz, R. F. D. 2, Salem.  
Samuel E. Wertz, Wertz.

#### WEST VIRGINIA.

William W. Wertz, Atty., Charleston.  
Rebecca King Biggs, 1134 5th Ave.,  
Huntington.  
Mrs. M. L. Matlick, Keyser.  
Mary W. Peters, Ronceverte.

#### WISCONSIN.

Mr. and Mrs. Wentink, 782 Lawe St.,  
Appleton.  
Nicholas J. Wirtz, 200 W. Walnut St.,  
Green Bay.

Mrs. M. A. Pelton, Philips.  
Mrs. John Wertz, Box 380, Richland  
Center.  
Mrs. Marie Wertz, Sheboygan.  
David Mullendore, R. F. D. 2, Viola.  
Mrs. Ellen Sandmire, R. F. D. 2, Viola.  
Irvin Wertz, 496 65th Ave., West Allis.

#### WASHINGTON.

Roy Wertz, Assessor, Goldendale.  
D. E. Wertz, 137 Farragut Ave., West  
Side, Olympia.  
Mrs. Susan W. Kaesser, Okanogan.  
Mrs. Jahile Horace Wertz, 1272 John  
St., Seattle.  
N. R. Cavan, Station T, Seattle.  
Mrs. D. B. Eby, Sunnyside.

#### WYOMING.

Harry A. Brandt, Raymond.



## ANNOUNCEMENT

Owing to the fact that so many members of the Wertz Family Association who were present at the reunion at Harrisburg, Oct. 25th, 26th and 27th, have expressed a desire to have a lasting souvenir of Mrs. Snyder's stereopticon lecture delivered at Harrisburg during the reunion, which gave a most interesting portrayal of Mrs. Snyder's trip to Europe in search of records for the Wertz family, I have decided to have the lecture published in book form, illustrated by forty or fifty fine half-tone photographs of the various points of interest, printed on handsome enamel paper and bound in a cover similar to the cover of this book. Mrs. Snyder visited five foreign countries, and as she is a keen observer and an entertaining writer, the book will be not only pleasurable but profitable and instructive reading. The book will be larger than this one (in number of pages). Price, \$1.00, postpaid. If you are pleased with this book you have just read, order Mrs. Snyder's new book right away and start the new year right.

WILLIAM J. SNYDER,  
1305 Ashland Block,  
Chicago, Ills.

## LATEST NEWS FROM GERMANY.

The Poor's Privilege has again been refused, as shown by the following decision sent by Dr. Von Velsen to the Wertz Family Association of Chicago, December 9, 1912.

### HANSEATIC SUPREME COURT.

In case of housekeeper Katherina Wirges of Wiesbaden, complainant, for the fore named proponent, versus City of Amsterdam, defendant.

Concerning refusal of the "Poor's Privilege," the fifth civil chamber of the Hanseatic Supreme Court at Hamburg decided in its session of Sept. 30, 1912, with the co-operation of the following Judges:

President of the Senate Dr. Mittelstein.

Judge of the Supreme Court Dr. König.

Judge of the Supreme Court Donandt.

Judge of the Supreme Court von Dassel.

Judge of the Supreme Court Griesebach.

The complaint is refused at cost of the complainant as having no grounds, as the case does not lie within the jurisdiction of the German Courts, as explained especially in paragraph 27 C. P. O.

Signed,

DR. MITTELSTEIN.

Cöln, November 24, 1912.

Limburgerstrasse 17.

Dear Mrs. Snyder:

Your favor of Nov. 5 received. Am glad indeed to have good news of you and yours. I should have sent before this two letters addressed to you which came to me after your departure and also the genealogy sent to me by Dr. von Velsen, but I thought it best to await first news of your arrival at home. I was in great anxiety about you when I heard about the wreck of an express train in London at the time you must have left there; the papers spoke of many passengers having lost their lives. Now I am glad, indeed, that you are safe home again and that you can rest from the exertions of this far trip. I can well imagine how much work awaited you. As for our affair, I cannot give you good news. The Poor's Privilege was not granted, as you see by the enclosed letter No. 1. In order that you may get an exact view of the matter, I enclose three original letters by Dr. von Velsen, asking you at the same time to kindly return them to me after you have taken copies of them. On Oct. 20 we had a special Board Meeting; it was decided not to dissolve the Association, although Dr. von Velsen wishes this as stated in his letter of Oct. 15, but to continue and to procure yet missing links and documents, and to obtain the legal opinion of a Hollandish attorney-at-law. I would ask you to kindly give me your opinion of this as soon as possible. The opinion of Dr. von Velsen about this you can gather from Exhibit No. 5, which he inclosed with his letter of Oct. 15 to me, asking me to forward the same to you. I am so pressed with work in my business that I resolved to resign as President of the organization, as it is impossible for me to fulfill the duties pertaining to that office. On Oct. 20 I asked the board to select a gentleman as my successor. But I shall remain an active member, and shall attend all board meetings whenever I can make it possible to do so, in order to help along with my experiences in this matter, and to represent your interests. In case your Association should no longer care to co-operate with us in this matter, I would ask you to kindly let me know of this immediately, so we can settle our accounts, and send you whatever balance would come to you. If I may give you my candid opinion, I would say: "Await first the legal opinion of a Hollandish attorney-at-law." After we have that we first will be able to decide whether we can enter a law suit in Amsterdam or whether we shall sink this matter into the "Ocean of the Past."

I am thoroughly convinced that you possess a good heart, that you use unselfishly your knowledge in the interest of your fellow men, and do what the individual cannot do. Best regards to you, Mr. Snyder, Miss Bessie and little Ethel; may the Lord keep us all well and healthy, so we can work for our welfare, and that it might be granted to us to see each other again. Kindly remember me to my Uncle Fritz and his children, and also to Cousin Bell and her dear ones. With best wishes I am always and ever,

Yours respectfully,

P. WIRTZ.

Esteemed Mr. Wirtz:

If I was in your place, I would dissolve the Association, as you cannot go any further in this way. Success is in view only if large funds are at hand to proceed with the case in Holland. Enclosed you will find a report for the newspapers and in first place for Mrs. Snyder—written by me—and I would ask you to send the one copy to Mrs. Snyder.

It is very good to have the copies of Amsterdam and of The Hague, because they are so complete, but they are only of value if the suit is carried on, and of this I know nothing.

I do not care to attend the board meeting. I advised before to dissolve the Association in case the Poor Privilege should be refused, and now I would most urgently repeat this advice. Very respectfully,

DR. VON VELSEN, Attorney-at-Law.

### VON VELSEN'S LATEST REPORT.

In the matter of the inheritance of Field Marshal Wurtz, which is known the world over and is spoken of very diligently in America, has come to a certain close by a decision of the Superior Court in Hamburg. As Wurtz died in Hamburg in 1876, and as his inheritance was taken possession of by the City of Amsterdam in an illegal way, as it is said, a poor heiress in Hamburg had asked to grant her the Poor's Privilege in order to enter a law suit against the City of Amsterdam. The Poor's Privilege was not granted, because it is the Court's view that the City of Amsterdam should be prosecuted in the courts of Holland and not in the courts of Germany.

This takes away the possibility for poor people to ever procure a decision of a German Court.

With the sum of probably 1,000 marks at the highest, one could procure a decision of the "highest" German court, the Imperial Court; but such a decision has no value, because first it is doubtful whether the Imperial Court would declare the German Courts competent, and then the decision of a German Court is only of "moral" importance, as the decisions could not be executed in Holland, and therefore a suit in Amsterdam would be necessary for the complete settlement of the matter.

Therefore it ought to be investigated whether the entering of a law suit in Amsterdam could be recommended.

The Hollandish courts were already, in the years 1848-1873, taken up with this matter. It was understood at that time that the legal heirs had no claim on the inheritance, because a last will and testament of General Wurtz, which established a Dutch woman as heir, was valid.

The invalidity of this testament is now beyond doubt proven by reasons of documents of the former Imperial Court in Vienna, where the law suit was pending for 100 years, and the Hollandish decisions are therefore null and void.

The German Consulate in Amsterdam circulates the view that all claims were outlawed. The question has been very thoroughly examined and is proven to be erroneous in law; neither the Hollandish nor the Hamburg courts have acknowledged the outlawry.

Some are of the opinion that the inheritance was paid out to the heirs since 1892. But in that year there were only paid at the utmost 50,000 fl., and the Orphan Court of Amsterdam, which had received the inheritance into custody, declared itself expressly willing in 1896 to turn over the inheritance to those heirs who would prove their claims to the Imperial Court.

And there can be no doubt that the inheritance was by far greater.

In the official register of the Orphan Court of Amsterdam there is a list of the single funds belonging to the inheritance, which sums up to 384,632 fl. Among these are different cash amounts of 48,990 fl., and one demand on the Hamburg banker Teixera of 126,666 fl. Teixera was, according to the papers of the Imperial Court, one of the richest Hamburg bankers, and he most certainly paid the sum. The list is expressly noted as "incomplete."

The assertion that the inheritance amounted to only 50,000 fl. is therefore certainly not true.

I have worked through the whole material, put it together link by link and then wrote up a thorough report and legal opinion. I am of the opinion that the City of Amsterdam took larger sums of the inheritance and would be obliged to pay them with compound interest to the legal heirs.

Before any proceedings against the City of Amsterdam are entered it is advisable to procure by reason of this material a thorough legal opinion of an eminent Hollandish jurist. His opinion in regard to the sum to be used for expenses should also be asked. This sum should be raised before the law suit is entered, because the heirs, who can prove their claims, are in poor financial circumstances and must be secure from any loss.

VON VELSEN.







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